HOUSE OF REPRESENTATIVES

TUESDAY, JULY 23, 1963

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalms 73: 28: *It is good for me to draw near unto God; I have put my trust in Him.*

Almighty God, by whose mercies we are spared and by whose power we are sustained, as we go forth into the hours of a new day, may we be thankful for the many opportunities we have of enriching and enlarging our lives and that of our fellow men.

Grant that we may not lose our enthusiasm for life, but may our minds and hearts daily be stirred and inspired with those noble aspirations and ambitions which will enable us to gain the victory over every selfish and sordid impulse.

May we never give up the struggle to attain unto greater nobility of character or allow ourselves to break faith and fealty with our deeper convictions, however difficult we may find it to be to live up to the level of our best moments.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed a resolution, as follows:

S. RES. 175

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable Hjalmar C. Nygaard, late a Representative from the State of North Dakota.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the late Representative, the Senate do now adjourn until Wednesday next.

The message also announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 1933. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," as amended, with respect to the minimum age limitation for registration;

H.R. 4646. An act to declare a portion of the Benton Harbor Canal, Benton Harbor, Mich., a nonnavigable stream; and

H.J. Res. 403. Joint resolution to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2485. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939, as amended; and

H.R. 6177. An act to amend section 2(a) of article VI of the District of Columbia Revenue Act of 1947 relating to the annual payment to the District of Columbia by the United States.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 627. An act to promote State commercial fishery research and development projects, and for other purposes;

S. 994. An act to amend the act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended;

S. 999. An act to amend the act entitled "An act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes," approved February 4, 1925;

S. 1078. An act to amend the District of Columbia Public School Services Act;

S. 1604. An act to amend the provisions of the Agricultural Act of 1938, as amended, relating to the transfer of producer rice acreage allotments; and

S. 1652. An act to amend the National Cultural Center Act to extend the termination date therein, and to enlarge the Board of Trustees.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1036. An act to amend the inland and western rivers rules concerning anchor lights and fog signals required in special anchorage areas, and for other purposes.

THE LATE HONORABLE JOHN H. FOLGER

The SPEAKER. The Chair recognizes the gentleman from North Carolina [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, it is with a keen sense of sorrow and with deep regret that I inform the House of the passing of a former distinguished Member of this body, Hon. John Hamlin Folger.

Mr. Folger, the son of Thomas Wilson Folger and Ada Dillard Folger, was born in Rockford, Surry County, N.C., on December 18, 1880, and passed away on last Friday morning, July 19. He is survived by his widow, Maude Douglas Folger, of Mount Airy; one son, Henry Folger; two daughters, Mrs. Nell Folger Glenn and Miss Frances Folger; two sisters, Mrs. R. C. Llewellyn and Mrs. R. E. Ashby; two brothers, W. P. Folger and Hugh Folger; his eldest son, Fred F. Folger, having predeceased him.

Mr. Folger attended public and high school in Dobson, N.C., and Yadkinville Institute, in Yadkin County, where he was awarded a scholarship to Guilford College. He later read law in his father's office and studied law at the University of North Carolina at Chapel Hill. He was admitted to the bar in 1901, practiced law in Greensboro for a short time and then returned to Surry County where he opened an office in Dobson and later in Mount Airy.

Mr. Folger served as mayor of Mount Airy from 1908 through 1912, was a member of the North Carolina House of Representatives in 1927 and 1928, and served as a member of the State senate in 1931 and 1932. He was a delegate to the Democratic State conventions of 1924 through 1940 and delegate to the Democratic National Conventions of 1932 and 1944. He was elected to the 77th Congress in a special election to fill the vacancy resulting from the death of his brother, Alonzo Dillard Folger, and was reelected to the 78th, 79th, and 80th Congresses, serving from June 14, 1941, to January 3, 1949, when he returned to the practice of law in which he continued until his retirement in 1959.

While serving in the North Carolina General Assembly, Mr. Folger was the leader in the move for 9-month school terms and later served as a member of the State school commission. Throughout his adult life, up to the time of his retirement, he was an active and outstanding political leader in North Carolina. He was widely known as a Bible scholar and for many years taught the men's Bible class in the Mount Airy Methodist Church. He was a great orator and was eagerly sought as a speaker for religious, civic, and political events. He had a wide general law practice and was one of the most able trial lawyers in North Carolina.

It was my cherished privilege and good fortune to know Mr. Folger well all of my adult life and to be associated with him from time to time politically, professionally, and as a friend. I knew his character and quality. He was in all respects a man of high rank but if he could here speak for himself I know quite well that he would in effect say:

"The rank is but the guinea's stamp,
"The man's the gowd for a' that."

He was by nature a quiet and deliberate man, of fine mettle, and always a courageous and effective warrior in the many worthy causes he entered. He was a busy lawyer but at the same time was an active citizen. By choice or circumstance, perhaps both, he was always in the thick of the battle, diligently devoting himself to the causes he felt were worthy. He never hung along the battle's edge wishing for "a blade of keener steel." His weapons, blue blades all, were high Christian character, honesty, loyalty, and unfaltering faith in the eternal goodness of God. His life was a sermon of inspiration to all who knew him; he lived as though he knew and cared that his life and example might lend some argument to his neighbors' creed. The plain garments of unassuming simplicity which he wore never completely concealed the robes of purple beneath.

Again and again, the passing of those whom we have admired and loved so much impresses upon us a sense of the

values we daily gain from the lives and examples of friends yet with us. And thus, even by their passing, our departing friends press upon us a final bequest in the form of a more delicate understanding of human worth.

My district and State has lost one of its finest and most valuable citizens and I have lost a great and good friend. I join the wide circle of loving and admiring friends of Mr. Folger in extending to Mrs. Folger and all the family assurances of sincere sympathy in this sad loss.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join the distinguished gentleman from North Carolina [Mr. SCOTT] in the beautiful words of tribute which he has paid to a great, kind, genteel man, a former distinguished Member of this House.

Mr. Speaker, I had the pleasure of knowing and serving with John Folger. He was a dedicated Member of Congress. He was in every sense of the word a Christian gentleman. He was a man with progressive, forward-looking ideas. He made an enormous contribution as a Member of this body.

Mr. Speaker, I join the gentleman from North Carolina in extending to his family and friends my deepest and sincerest personal sympathy.

Mr. FOUNTAIN. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Speaker, I want to join my distinguished colleague, the able gentleman from North Carolina [Mr. SCOTT], in the tribute which he has so eloquently paid to a distinguished former Member of this body from North Carolina, whose passing he has just announced, the Honorable John Hamlin Folger, of Mount Airy, N.C.

I also want to express my deepest sympathy to Mrs. Folger and all the members of the Folger family.

I never had the pleasure of personally knowing former Congressman John Folger, but long before I came here I was well acquainted with his distinguished record of public service to his home community, the State of North Carolina, and our Nation. Mr. Folger came from a long line of outstanding and dedicated people. In fact, he was elected as a Democrat to the 77th Congress in a special election to fill the vacancy caused by the death of his distinguished brother, then Congressman Alonzo D. Folger. He was reelected to the 78th, 79th, and 80th Congresses and served with distinction in this great body from June 14, 1941, to January 3, 1949. Choosing not to be a candidate for renomination in 1948, he resumed the practice of his legal profession in Mount Airy, N.C., until his retirement in 1959.

As mayor of his hometown of Mount Airy, 1908 to 1912, as a member of the North Carolina House of Representatives in 1927 and 1928, as a member of the North Carolina Senate in 1931 and 1932, and as an active participant in the affairs of the Democratic Party of both the State of North Carolina and the Nation, Mr. Folger reflected credit not only upon himself, his family, and the people he had the privilege of serving, but upon our State and Nation.

Even until this day, whenever the name Folger is mentioned in North Carolina, we think of action, service, and dedication to some worthwhile cause.

Though saddened by the passing of this outstanding son of North Carolina, I am happy to pay my personal tribute to him for his long record of civic and public service to his community, State, and Nation.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Speaker, it is with regret that I have learned of the passing of my distinguished former colleague, John Folger, whom I had the privilege to know well during 6 years service in this body.

John Folger was a gifted forceful speaker, possessing all the charm, insights, and manners of expression which characterized the great orators who have stood in this well down through the years. John Folger never hesitated to enter a political fray where he believed his convictions were at issue. He was a man of high principles and with a strong determination to exercise those principles in carrying out his duties as a Member of this body. He was a grand man with all the grand manners that won him a lasting place in the memories of the many friends he enjoyed during his years in Congress.

Mr. WHITENER. Mr. Speaker, I join my colleague from North Carolina [Mr. SCOTT] in taking note of the passing of John Hamlin Folger, a great American.

During the service of our departed friend in the House of Representatives for three terms, he distinguished himself as a representative of the people. Prior to coming to Congress, John Folger had served as mayor of his home city, as a member of the North Carolina General Assembly, and in numerous other positions of honor and trust. In each position he served with ability and diligence.

Our departed friend was endowed with those human characteristics which qualify one for leadership. He exercised those qualifications in such a manner as to bring wide acclaim to himself and great benefit to the people of our Nation.

I join with my dear friend, the gentleman from North Carolina, Congressman RALPH SCOTT, in expressing my sentiments of deepest sympathy to the members of the distinguished Folger family in this tremendous loss they are experiencing.

Mr. DORN. Mr. Speaker, Mrs. Dorn and I learned with sadness of the passing of my distinguished and able colleague of the old 80th Congress. John H. Folger was a warm and devoted personal friend. John Folger was a quiet, unassuming, and dedicated public servant. He spent a long life in public service having been mayor of Mount Airy and having served in both houses of the North Carolina General Assembly. He was a loyal Democrat and was often a delegate to the State and National conventions. John Folger spent 58 years in the practice of law, and those whom he assisted, often without remuneration, are legion.

John Folger was progressive. He believed in the uplifting of the standards of living and the opportunities of those engaged in the industrial, mechanical, and agricultural arts. He was loyal to the principles and ideals of the Southland. John Folger will always be remembered as an able, patriotic Congressman and a great American.

He and Mrs. Dorn graduated from the great University of North Carolina. She joins me in my deepest sympathy to his family and friends.

Mr. TUCK. Mr. Speaker, I have just learned of the passing on July 19, of the Honorable John Hamlin Folger, formerly a Representative in the U.S. Congress from the Fifth District of North Carolina, a seat now being so ably and effectively filled by our distinguished colleague and my longtime warm personal friend, the Honorable RALPH J. SCOTT.

Former Congressman Folger who was a native of Surry County, N.C., was living at Mount Airy in Surry County at the time of his passing. Mr. Folger was elected to the House of Representatives to succeed his brother, the Honorable Alonzo Dillard (Lon) Folger, whose death occurred on April 30, 1941, as a result of an automobile accident in Mount Airy. His service in the Congress extended from June 14, 1941 to January 3, 1949. He was not a candidate for renomination in 1948 and thus voluntarily retired from these halls.

I was closely associated on many occasions with the late Honorable Fred Folger, a son and law partner of the Congressman, and thus I had the privilege and the opportunity of becoming acquainted also with the former Congressman. The Folger law firm enjoyed the highest professional reputation for integrity and ability. Their reputation in this respect could not be surpassed. These gentlemen were among the leading lawyers in that section of North Carolina and it was in this capacity that I became associated with the Folgers and came to admire them for their uprightness, their honor and their high standards of personal and professional conduct.

The Fifth District of North Carolina and the Fifth District of Virginia, which I have the honor to represent, are contiguous for a distance of approximately 150 miles up and down the North Carolina-Virginia line. In this way, I have felt quite close to all who have served in Congress from that district in recent years and have had the opportunity of observing at first hand the high caliber of these Representatives and the fine and effective work which they did.

The people of North Carolina with whom I have talked believed in John Folger and always referred to him as a dedicated public servant, who was interested not only in his political party, but who was interested in the welfare of the country. His reputation extended far beyond the confines of the Fifth Congressional District of North Carolina. He was well and favorably known in many of the counties of the district which I have the honor to represent. He believed in the true principles of the

Democratic Party. He was schooled in the highest traditions of our Government and of our country, and stood willing at all times to do whatever was necessary to promote good government in his State and in his Nation. We have too few such men left.

John H. Folger will be greatly missed by a host of friends and admirers. I know that his work will be appreciated for many years to come, and his memory will be cherished not only by his widow and children and grandchildren, but by many hundreds and thousands of others who knew and understood and appreciated his true manly worth and great nobility of character.

Mr. PATMAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish at this time to join with my colleague, Representative RALPH SCOTT, of the Fifth District of North Carolina, in paying tribute to a former colleague, the late John Hamlin Folger.

During John Folger's tenure in Congress it was my pleasure to serve with him on the House Banking and Currency Committee. It was also my pleasure to have served with his late brother, Alonzo Dillard Folger.

John Folger was elected to the 77th Congress in a special election to fill the vacancy caused by the untimely death of his brother. He was reelected to the 78th, 79th, and 80th Congresses, serving from June 14, 1941, to January 3, 1949.

He was a man of sincerity, a distinguished public servant, and one who commanded the respect of all who came in contact with him. He was endowed with those characteristics which qualify one for leadership. He had an understanding of all men, whether they worked on the land, in their overalls, in the factories, or in their blue serges in the countinghouses. And at all times he was ready to listen to their problems with a sympathetic heart.

He has gone to his reward. But he leaves behind to his loved ones and to his friends an inspiration that will be part of our lives for as long as we shall live.

I extend to the family my heartfelt sympathy.

GENERAL LEAVE TO EXTEND

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE LATE HONORABLE HJALMAR C. NYGAARD

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that after consulting with the minority leader and the gentleman from North Dakota [Mr. SHORT], time will be set aside tomorrow preceding the legislative business during which Members may pay tribute to our late colleague from North Dakota, Mr. Nygaard.

COMMITTEE ON PUBLIC WORKS

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

BARRINGTON, ILL., CENTENNIAL

Mr. McCLORY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, it is with particular honor and distinction that my colleague, DONALD RUMSFELD, of Illinois, 13th Congressional District, and I, who represent Illinois, 12th Congressional District, call to the attention of the Members of the U.S. House of Representatives the centennial of Barrington, Ill.

The village of Barrington, which was incorporated on November 18, 1863, and received a special charter from the Illinois General Assembly on February 16, 1865, has designated August 22 through 25, 1963, as its centennial days.

Many of my colleagues have inquired how it happens that the gentlemen from Illinois [Mr. RUMSFELD and Mr. McCLORY] are sharing in this recognition to Barrington, and we have been proud to explain that the village of Barrington is situated in both of our congressional districts. We have noted proudly in the special act of incorporation the references to Barrington Township in Cook County and Cuba Township in Lake County wherein the incorporated area of the village of Barrington has been situated during this century of its proud history.

We recognize too that the strength of America and its promise of the future lies in the home, the church, the school, and the community. As a thriving and representative community of citizens, Barrington ranks among the best. And as an environment in which home, church, and school flourish, Barrington is a leader.

We salute the Barrington village government, the many civic and fraternal organizations which have contributed to the success of Barrington's centennial days, and the citizens whose welfare we serve jointly in the Congress of the United States.

ADDITIONAL INCOME TAX EXEMPTION FOR THE PHYSICALLY OR MENTALLY HANDICAPPED

Mr. BURTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BURTON. Mr. Speaker, today I am introducing a bill which will provide an additional income tax exemption in the case where a taxpayer, spouse, or dependent is physically or mentally handicapped. In my opinion, this bill has been needed for some time. There is no doubt that a person who has the misfortune to be handicapped or to have a handicapped person in his family bears a greater financial burden than other taxpayers. Such persons and families have many extra expenses which cannot be deducted under present law. Furthermore, many such persons fail to take deductions to which they are entitled, due to the complexity of the income tax law and their failure to understand it completely. This bill would be a means of easing the financial strain borne by the handicapped and their families.

My bill would provide an extra exemption claim for a taxpayer if he, his spouse, or one of the persons whom he claims as a dependent is physically or mentally handicapped to a degree sufficiently severe to require the use of special devices or apparatus, or to require special care or attendance at a special school, or if his handicap is permanent or of such nature as to require extensive treatment over a period of years. At present, the income tax law allows an extra exemption to a taxpayer or spouse who is blind, or over 65 years of age. It appears to me that all handicaps deserve equal income tax status with the blind. Inasmuch as there is a bill under consideration to reduce the income tax burden this year, I believe it is an appropriate time to call attention to the plight of the handicapped and the need for tax relief for this group. Certainly most people would agree that the handicapped is one of the groups that should receive special tax consideration. I hope, therefore, that my colleagues will get behind this bill and give it the support it deserves.

SUBCOMMITTEE NO. 5 OF THE COMMITTEE ON THE JUDICIARY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may be permitted to sit today and during the balance of the week during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CERTAIN PROCEEDINGS OF VETERANS OF WORLD WAR I

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I ask unanimous consent for the immediate consideration of the bill (H.R. 7043) to amend the act of March 2, 1931, to provide that certain proceedings of the Veterans of World War I of the

United States, Inc., shall be printed as a House document, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. HAYS]?

Mr. SCHENCK. Mr. Speaker, reserving the right to object, and I shall not object, may I ask the distinguished gentleman from Ohio [Mr. HAYS] if he will advise the House how the Committee on Printing voted upon these several resolutions we are now bringing up and as to the vote also in the Committee on House Administration.

Mr. HAYS. Mr. Speaker, the Subcommittee on Printing considered this resolution and it passed unanimously. This also passed the full committee unanimously.

This particular bill makes the Veterans of World War I, which has a charter from the Congress, eligible to have the proceedings of its convention printed the same as we have already extended this privilege to the GAR, the United Spanish War Veterans, the VFW, American Legion, the Military Order of the Purple Heart, and Disabled American Veterans.

Mr. SCHENCK. I thank the gentleman.

Mr. DERWINSKI. Mr. Speaker, reserving the right to object, that is the standard procedure, to extend this courtesy to this veterans organization?

Mr. HAYS. We have extended it to all the others, and this just puts the Veterans of World War I in the same category.

Mr. DERWINSKI. There is no implication that we might subscribe to the program of that particular organization?

Mr. HAYS. Oh, no. This is merely for having the proceedings printed.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of March 2, 1931, as amended (44 U.S.C. 275b), is amended to read as follows:

"That hereafter the proceedings of the national encampments of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Military Order of the Purple Heart, the Veterans of World War I of the United States of America, Incorporated, and the Disabled American Veterans of the World War, respectively, shall be printed annually, with accompanying illustrations, as separate House documents of the session of the Congress to which they may be submitted."

SEC. 2. The last sentence of section 16 of Public Law 85–530 (36 U.S.C. 776) is repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HOUSE DOCUMENT 225, "PLEDGE OF ALLEGIANCE TO THE FLAG"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 194, authorizing the printing of additional copies of the "Pledge of Allegiance to the Flag," and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed three hundred and twenty-two thousand five hundred additional copies of House Document Numbered 225, Eighty-fourth Congress, first session, entitled "Pledge of Allegiance to the Flag", of which two hundred and nineteen thousand five hundred copies shall be for the use of the House of Representatives and one hundred and three thousand copies shall be for the use of the Senate.

The concurrent resolution was agreed to. A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF STUDY ENTITLED "THE FEDERAL GOVERNMENT AND EDUCATION"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration I call up House Resolution 428, authorizing the printing of additional copies of the study entitled "The Federal Government and Education," and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 428

Resolved, That there be printed for the use of the Committee on Education and Labor two thousand five hundred additional copies of the study entitled "The Federal Government and Education" prepared by that committee during the current session.

With the following committee amendment:

Page 1, line 2, strike out "two thousand five hundred" and insert "three thousand".

Mr. SCHENCK. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I will be glad to yield to my distinguished colleague.

Mr. SCHENCK. Mr. Speaker, I wanted, if I may, to ask the distinguished gentleman from Ohio [Mr. HAYS] if he will further explain the fact that the printing provided for under House Resolution 428 provides only for a limited number of copies of the study entitled "The Federal Government and Education" and which is in an amount sufficient for the use only by the Committee on Education and Labor. However, there is a great demand for this named publication by Members of the House generally to answer inquiries from superintendents of schools and boards of education. Therefore, additional copies are anticipated to be included later in a House concurrent resolution. Is that not true?

Mr. HAYS. I would say to the gentleman that is true.

Mr. Speaker, after the passage of this resolution I will ask permission to submit a statement which will clarify some of these points.

This will explain to the committee chairman how they can use another procedure which would be helpful to them in situations of this kind, but I do not want to burden the House at this moment with a lot of debate.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield.

Mr. KYL. It is my hope that the gentleman from Ohio will include a rather complete statement concerning the use of committee prints.

Mr. HAYS. I have a statement prepared which I will hand in as an extension of my remarks.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HAYS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, in connection with this resolution (H. Res. 428) entitled "Federal Government and Education," I wish to call the attention of the issuing committee and all committees of the House that I see no need for extensive printing and distribution of so-called committee prints. The terminology "committee print" is supposed to mean just what it says, and is designed for the general information of the issuing committee.

If this particular compendium is in heavy demand, may I suggest that the Committee on Education and Labor vote to release it as a House report or a House document. It will then get automatic distribution through the House and Senate document rooms, plus the important distribution throughout the Federal depository library system. In short it would receive regulated public distribution as against proprietary release by a subcommittee as the case may be. If the contents are worth extra demands, the law provides for sales copies to be made available at the Superintendent of Documents at very reasonable costs. This would more than accommodate organizations that send in for bulk copies—and generally do not mind the nominal charge when their request is referred to the Superintendent of Documents.

I simply cite this information as it was one of the important phases of publication distribution disclosed during the years I was working out the successful conclusion of the act authorizing general expansion of the Federal depository library system.

I am anxious that this thinking be noted by all committee chairmen, as wider application of the original rule is going to be effected before the situation worsens.

PRINTING OF ADDITIONAL COPIES OF CERTAIN HEARINGS ON EFFECTS OF TELEVISION PORTRAYAL OF CRIME ON YOUNG PEOPLE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up Senate Concurrent

Resolution 47 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary three thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency entitled "Effects on Young People of Violence and Crime Portrayed on Television," part 10, dated June 8, 9, 13, 15, 16, and 19; July 27 and 28, 1961; January 24 and May 11 and 14, 1962.

The Senate concurrent resolution was agreed to. A motion to reconsider was laid on the table.

LIENS ON MOTOR VEHICLES AND TRAILERS

The SPEAKER. This is District Day. The Chair recognizes the gentleman from South Carolina [Mr. McMILLAN] chairman of the Committee on the District of Columbia.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HUDDLESTON] to call up several bills from his subcommittee. Also I ask unanimous consent that the gentleman from Alabama have permission to submit for the RECORD an explanation of each bill that is considered.

The SPEAKER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 490) to amend the act of July 2, 1940, as amended, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the gentleman if all these bills out of the House Committee on the District of Columbia were reported out by unanimous vote or unanimous agreement?

Mr. HUDDLESTON. Mr. Speaker, all four bills that I shall bring up today came out of the House District Committee by unanimous vote.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act to provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes", approved July 2, 1940, as amended (54 Stat. 736, 738; sec. 40–706, D.C. Code, 1951 edition), is amended by striking from the sixth sentence "each of two cards" and "cards" and inserting in lieu thereof respectively "a card" and "card", and by striking from the eighth sentence "each of the said cards" and inserting in lieu thereof "the said card".

SEC. 2. Section 7 of such Act approved July 2, 1940 (sec. 40–707, D.C. Code, 1951 edition), is amended by striking "cards" wherever such word appears in the first sentence and inserting in lieu thereof "a card", and by striking "each of said cards" in the second sentence and inserting in lieu thereof "said card".

SEC. 3. Section 8 of such Act approved July 2, 1940 (sec. 40–708, D.C. Code, 1951 edition), is amended by striking from the second sentence "each of the cards" and inserting in lieu thereof "the card", and by striking from the third sentence "each of the cards" and inserting in lieu thereof "the said card".

SEC. 4. Section 11 of such Act approved July 2, 1940 (sec. 40–711, D.C. Code 1951 edition), is amended by striking from the first sentence "each of the cards" and inserting in lieu thereof "the card", and by striking from the last sentence "cards" and inserting in lieu thereof "card".

SEC. 5. Section 13 of such Act approved July 2, 1940 (sec. 40–713, D.C. Code, 1951 edition), is amended by striking "files wherein he shall file one set of the cards hereinbefore described alphabetically under the name of owner and the other", and inserting in lieu thereof "a file wherein he shall file a set of cards hereinbefore described".

SEC. 6. Alphabetical files established and maintained in accordance with the requirements of section 13 of such Act approved July 2, 1940, may, with the approval of the Commissioners of the District of Columbia, be destroyed.

Mr. HUDDLESTON. Mr. Speaker, the Committee on the District of Columbia, to whom was referred the bill (S. 490) to amend the act of July 2, 1940, as amended, relating to the recording of liens on motor vehicles and trailers registered in the District of Columbia, so as to eliminate the requirement that an alphabetical file on such liens be maintained, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill, as stated in the committee report—Report No. 562—is to amend the act of July 2, 1940, which requires the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers registered in the District of Columbia. Provision is made in such act for the maintenance by the Recorder of Deeds of two card files, one an alphabetical file, the other a file by trade name and engine number of motor vehicles and trade name and serial number of trailers. The alphabetical file maintained by the Recorder of Deeds is in addition to an alphabetical file carrying identical information maintained in the Department of Motor Vehicles.

In view of the fact that the District of Columbia now is maintaining two alphabetical files, alongside of one another in the Office of Recorder of Deeds, relating to liens on motor vehicles and trailers, the committee believes it would be desirable both from the standpoint of conserving space and of saving the services of personnel if one of the two alphabetical files could be eliminated. Accordingly, enactment of this bill is recommended by the Commissioners of the District of Columbia, as it will amend the act of July 2, 1940, and thereby allow the Recorder of Deeds to dispense with the maintenance of an alphabetical file.

H.R. 6348, which is identical to this bill, was approved by our Subcommittee No. 5 after a public hearing held on June 25, 1963, at which no opposition to the measure was expressed.

Enactment of S. 490, substituted for H.R. 6348, will result in a saving to the District of Columbia both in terms of space utilization and in terms of personal services.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks on each of the District bills that will be brought up under consideration today.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BROYHILL of Virginia. Mr. Speaker, last May 15, I introduced a bill identical to this, H.R. 6348, to accomplish a saving of time, expense, and space in one area of the District of Columbia government.

At present, the District of Columbia Recorder of Deeds is required by law to maintain two card files with respect to liens on motor vehicles and trailers—one alphabetical and the other by trade name and engine number of the motor vehicle, or trade name and serial number in the case of trailers. At the same time, the District of Columbia Department of Motor Vehicles maintains an alphabetical file of such liens identical in nature to the one kept by the Recorder of Deeds.

All parties involved—the Recorder of Deeds, the Director of the Department of Motor Vehicles, and the District of Columbia Board of Commissioners—agree that the two alphabetical files described above are a needless duplication of service, and that one should be eliminated in the interest of saving badly needed space and of more efficient utilization of employees' time.

Accordingly, this bill would accomplish this saving by eliminating the requirement of an alphabetical file of motor vehicle liens in the office of the Recorder of Deeds. I am pleased to be a sponsor of this legislation.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECORDS OF STOCKHOLDERS OF STOCK LIFE INSURANCE COMPANIES

Mr. HUDDLESTON. Mr. Speaker, I call up the bill (H.R. 6128) to amend section 15 of the Life Insurance Act to permit any stock life insurance company in the District of Columbia to maintain its record of stockholders at its principal place of business in the District of Columbia or at the office of its designated stock transfer agent in the District of Columbia, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Life Insurance Act (D.C. Code, sec. 35–515) is amended to read as follows:

"SEC. 15. CAPITAL-STOCK RECORD.—It shall be the duty of the directors of every domestic stock company to cause a record to be kept by the treasurer or secretary of the company or by the stock transfer agent of the company containing the names of all persons, alphabetically arranged, who are or shall within six years have been stockholders of such company, and showing their place of residence,

the number of shares of capital stock held by them, respectively, the time when they became owners of such shares, and the amount of capital stock actually paid in.

"Such record shall, during the usual business hours of the day, on every business day, be open for inspection by policyholders, stockholders, and creditors of the company, and their personal representatives at the office or principal place of business of such company in the place where its business operations shall be located or at the office of the stock transfer agent located in the District of Columbia, and any policyholder, stockholder, creditor, or representative shall have a right to make extracts from such record.

"Such record shall be presumptive evidence of the facts therein stated in favor of the plaintiff in any suit or proceeding against such company or against any one or more stockholders.

"Every officer, stock transfer agent, or any other agent of any company who shall neglect to make any proper entry in such record, or shall refuse or neglect to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom, as herein provided, shall be deemed guilty of a misdemeanor and the company shall pay to the party injured a penalty of $50 for any such neglect or refusal, and all damages resulting therefrom.

"Every company that shall neglect to have such record kept open for inspection, as herein provided, shall forfeit to the District the sum of $50 for every day it shall so neglect, to be sued for and recovered by the Superintendent, the Corporation Counsel representing him, in the United States District Court for the District of Columbia."

With the following committee amendments:

1. Page 2, line 10, strike out the word "and".
2. Page 2, line 10, insert a comma immediately after the word "company".
3. Page 2, line 11, strike out the word "their" and insert in lieu thereof "the".
4. Page 2, line 11, immediately after "representatives", insert "of such policyholders, stockholders, and creditors".
5. Page 2, line 13, immediately after "located", insert "in the District of Columbia".

The committee amendments were agreed to.

Mr. HUDDLESTON. Mr. Speaker, under present law, as stated in the committee report—Report No. 564—stock life insurance companies in the District of Columbia are required to maintain a current and complete record of all their stockholders at their respective principal places of business in the District. However, some of these stock life insurance companies maintain appointed stock transfer agents, who themselves keep full records of listed stockholders. Thus, in these cases the result is a needless and expensive duplication.

H.R. 6128 would eliminate this required duplication by permitting the current listing of stockholders to be maintained either by the company itself at its principal place of business, or by its stock transfer agent.

There are presently 12 stock life insurance companies in the District of Columbia. At a public hearing conducted on June 25, 1963, the counsel and assistant secretary of one of these, the United Services Life Insurance Co., informed this committee that his company currently has 1 million shares of stock outstanding, and approximately 2,000 stockholders. In 1959, this company appointed a local bank as its stock transfer agent because of increased trading activity in its stock, and hence this large volume of recordkeeping has been duplicated since that time. This same problem confronts several of the other local stock life insurance companies at this time, and others face the prospect of being similarly affected as they increase in size.

This present restriction on stock life insurance companies is similar in pattern to an old requirement in District of Columbia law which at one time was applicable to all business corporations in the District. In 1954, however, the business corporations statutes in the District of Columbia were modernized and patterned after the model corporation code approved by the American Bar Association. As a result of these amendments, the new Business Corporations Act now permits a District of Columbia corporation to maintain a record of its stockholders either at its principal place of business or at the office of its stock transfer agent. However, this 1954 act does not apply to life insurance companies in the District, and hence H.R. 6128 seeks to remedy this inequity and alleviate the needless duplication of recordkeeping now imposed upon the District of Columbia stock life insurance companies.

Moreover, this committee takes the view that this legislation not only will serve as a convenience to the insurance companies but also will result in economic savings which ultimately should benefit the public.

At public hearing on June 25, 1963, the Superintendent of Insurance for the District of Columbia expressed approval of this bill, and also the District of Columbia Board of Commissioners have advised this committee that they have no objection to its enactment.

Mr. BROYHILL of Virginia. Mr. Speaker, this bill would permit stock life insurance companies in the District of Columbia which have designated stock transfer agents to keep a current listing of their stockholders either at their principal place of business in the District or at the office of their stock transfer agent. Present law requires that this record be maintained in the insurance company's local main office, regardless of the fact that the nature of a stock transfer agent's services necessitates his keeping a complete and current record of the company's stockholders at all times. The reason for the legal requirement that such a record be maintained in the District is to assure proper access to stockholders' names on the part of policyholders, stockholders, and creditors of the life insurance company. However, the duplication of this list which results in some cases under present law serves no useful purpose.

At one time, this same requirement applied to all business corporations in the District of Columbia. In 1954, however, the District of Columbia Business Corporation Act was revised and modernized, and since that time District of Columbia corporations have been permitted to maintain their record of stockholders either at their respective principal places of business or at the offices of their stock transfer agents. However, the 1954 act does not extend this permission to stock life insurance companies.

It is my opinion that this present situation is discriminatory and unfair to the 12 stock life insurance companies now doing business in the District of Columbia, and I am pleased to support this legislation which will afford them equitable treatment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRACTICE OF DENTISTRY IN THE DISTRICT OF COLUMBIA

Mr. HUDDLESTON. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 6350) to amend the act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892, as amended.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 24 of the Act entitled "An Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto", approved June 6, 1892 (27 Stat. 42), as amended (sec. 2–324, D.C. Code, 1961 edition), is amended by adding the following sentence at the end thereof: "The Board of Dental Examiners may, in its discretion, waive the theoretical examination and issue a license to any applicant who holds a certificate from the National Board of Dental Examiners: *Provided,* That such applicant shall pass a practical examination given by the Board of Dental Examiners: *Provided further,* That in exercising its discretion to waive theoretical examinations the Board of Dental Examiners shall satisfy itself that the examination given by the National Board of Dental Examiners was as comprehensive as that required in the District of Columbia."

SEC. 2. The foregoing amendment of said Act of June 6, 1892, as amended, shall not be considered as affecting the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824), and the performance of any function vested by said plan in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners shall continue to be subject to delegation by said Board of Commissioners in accordance with section 3 of such plan. Any function vested by this amendatory Act in any agency established pursuant to such plan shall be deemed to be vested in said Board of Commissioners and shall be subject to delegation in accordance with said plan.

Mr. HUDDLESTON. Mr. Speaker, the purpose of this bill, as stated in the committee report—Report No. 565—is to authorize the District of Columbia Board of Dental Examiners to waive any theoretical examination of an applicant for a license as a dental hygienist if he holds a certificate from the National Board of Dental Examiners.

At present, an applicant for a license as a dental hygienist in the District of Columbia is required to pass both a prac-

tical and a theoretical examination. In many cases, however, the applicant has successfully passed the theoretical examination given by the National Board of Dental Examiners, whose examinations are acknowledged by the District of Columbia Board of Dental Examiners to be at least as comprehensive and as exhaustive as their own. For this reason, the District of Columbia Board feels that this requirement for theoretical examination on the part of those applicants who have qualified in the national examination is a needless duplication and an unnecessary expense to the District of Columbia. Also, such a requirement imposes a definite hardship upon the older applicants who may have been out of school for some years and yet are completely qualified from a professional standpoint. For this reason, the District of Columbia Board of Dental Examiners has requested this legislation, through the District of Columbia Commissioners, which will authorize them to waive the theoretical examination for licensure as dental hygienists in the case of applicants who hold certificates from the National Board of Dental Examiners, providing such applicants can successfully pass the practical examination administered by the District of Columbia Board.

As a matter of fact, the law presently permits the local Board to waive the theoretical examination in the case of applicants for licensure to practice dentistry in the District when such applicants hold certificates from the National Board of Dental Examiners. Hence, H.R. 6350 seeks merely to extend this same authority to the local Board in the case of dental hygienists.

This bill will provide a safeguard against the possibility that in some cases the national board's theoretical examination may not have been as comprehensive and exhaustive as that conducted by the District Board in that the District of Columbia Board will have complete freedom in interpreting the national board grades and in supplementing the national board examination with any other examination which they may deem necessary to assure compliance with District standards.

The committee has been informed that the following States now recognize the dental hygienists' theoretical examination administered by the National Board of Dental Examiners: Alaska, Arizona, Colorado, Connecticut, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia.

No opposition to this bill was expressed at a public hearing held June 25, 1963.

Mr. BROYHILL of Virginia. Mr. Speaker, an applicant for a license to practice as a dental hygienist in the District of Columbia is presently required to pass both a theoretical examination and a practical examination. Many such applicants, however, have already passed a theoretical examination administered by the National Board of Dental Examiners, as the final step in their academic training for their profession. I have been advised that the District of Columbia Board of Dental Examiners consider the National Board's theoretical examination to be as comprehensive and as difficult as their own, for which reason they regard the present requirement of duplication of the theoretical examination as unnecessary and a needless expense to the District. For this reason, they requested this legislation, which would permit the Board to waive the theoretical examination of those applicants for licensure as dental hygienists who have been certified by the National Board of Dental Examiners. It is important to note, however, that H.R. 6350, which I introduced for this purpose, reserves to the Board the right to withhold this waiver and to require an applicant to qualify on their own theoretical examination whenever they deem this expedient for the best interests of the District of Columbia.

At present, the Board has this same authority with respect to applicants for dentists' licenses. Hence, I feel it logical and appropriate to extend the same privilege to the Board in the case of dental hygienists.

The National Board's theoretical examination for dental hygienists is recognized in this manner in 35 States, and I am pleased to sponsor this bill which would add the District of Columbia to this list.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

Mr. HUDDLESTON. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 6353) to amend the District of Columbia Unemployment Compensation Act, as amended, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of subsection (f) of section 13 of the District of Columbia Unemployment Compensation Act approved August 28, 1935 (49 Stat. 946), as amended (sec. 46-313(f), D.C. Code, 1961 edition), is amended by inserting ", or the Department of Public Welfare of the government of the District of Columbia" immediately after "public employment offices".

Mr. HUDDLESTON. Mr. Speaker, the District of Columbia Unemployment Compensation Act, as stated in the committee report—Report No. 563—presently authorizes the District of Columbia Unemployment Compensation Board to disclose information pertaining to an individual's status in regard to unemployment compensation only to first, a State or Federal agency which administers an unemployment compensation law or a system of public employment offices; or, second, the U.S. Bureau of Internal Revenue.

Thus, the District of Columbia Unemployment Compensation Board is not permitted to advise the District of Columbia Department of Public Welfare as to whether an applicant for public assistance is receiving or is eligible to receive unemployment compensation. This bill, which was requested by the District of Columbia Board of Commissioners, would extend this authority to the Unemployment Compensation Board.

At present, the District of Columbia Unemployment Compensation Board is required to furnish an applicant for public assistance with a letter stating that he is or is not eligible to receive unemployment compensation. Obviously, the applicant may then submit this letter to the Welfare Department or withhold it, whichever he may deem expedient in connection with his application for public assistance. At best, this present system is cumbersome and time consuming; at worst, it facilitates fraudulent concealment of important information.

Eligibility for public assistance in the District of Columbia is based partially upon "need," which is defined as that part of a person's subsistence requirements which he is unable to meet by available income or other sources of funds. Thus, in order to decide properly any applicant's eligibility for public assistance and to avoid overpayments, the Department of Welfare must have knowledge of all income being received by the applicant from all sources. Also, eligibility for general public assistance in the District requires that a person be unemployable, and in this respect an applicant's representations to the Unemployment Compensation Board may in some cases be very helpful to the Welfare Department in the proper administration of the public assistance laws.

This committee is informed that in the past 4 years an average of 3,579 applications per year have been filed in the area of general public assistance in the District of Columbia, and the present average monthly caseload is 709.

At a public hearing held on June 25, 1963, support for this proposed legislation was expressed by the Board of Commissioners of the District of Columbia and by the Chief of Public Assistance Division of the Department of Public Welfare. No opposition was expressed.

In view of the above-cited facts, this committee feels that the authority which would be granted by this bill, as it may help insure against duplication and misuse of public funds, should be granted without delay.

A letter from the Board president follows:

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
EXECUTIVE OFFICES,
April 16, 1963.

HON. JOHN W. MCCORMACK,
The Speaker, House of Representatives, Washington, D.C.

MY DEAR MR. SPEAKER: The Commissioners of the District of Columbia have the honor to submit herewith a draft bill to

amend the District of Columbia Unemployment Compensation Act, as amended.

Subsection (f) of section 13 of the District of Columbia Unemployment Compensation Act, as amended, presently provides that the District Unemployment Compensation Board may disclose information obtained from any employing unit or individual pursuant to the administration of such act "to any agency of this or any other State, or any Federal agency, charged with the administration of an unemployment compensation law or the maintenance of a system of public employment offices, or the Bureau of Internal Revenue of the U.S. Department of the Treasury * * *."

Existing law does not, however, authorize the District Unemployment Compensation Board to furnish to the Department of Public Welfare of the District of Columbia information as to whether an applicant for public assistance is receiving or is entitled to receive unemployment compensation.

The Federal Social Security Act, as amended, and District of Columbia laws and regulations require that all public assistance payments to individuals and families be based on "need" in addition to other requirements. For purposes of public assistance, "need" is defined as that part of a person's or a family group's subsistence requirements which cannot be met by available income or other resources. The Federal Social Security Act requires that the State agency (Department of Public Welfare) "shall, in determining need, take into consideration any other income and resources" of the recipient or any member of his family included in the assistance payment. Accordingly, in order to properly establish eligibility for public assistance, and to avoid overpayments, it is necessary for the Department of Public Welfare to know the amount of income from all sources received by the applicant or recipient. Further, in order to be eligible to receive general public assistance in the District of Columbia, a person must be unemployable, while to receive unemployment compensation a person must be employable. In certain situations a person may be found by the Department of Public Welfare, on the basis of medical information, to be unemployable and consequently he may be granted general public assistance. The same individual may have qualified for unemployment compensation benefits and may present himself to the Unemployment Compensation Board as employable and available for and, therefore, at the same time draw unemployment compensation.

Under the existing programs of public assistance there exists a need for a direct, efficient method of exchanging information between the District Unemployment Compensation Board and the Department of Public Welfare. Moreover, if the program of aid to unemployed parents, as proposed in the fiscal year 1964 budget request is adopted, or if at some future date the Federal program of aid to dependent children of unemployed parents is adopted, the need for exchange of information will become even more imperative. During the past 4 fiscal years the number of applications for general public assistance received was an annual average of 3,579. The estimated monthly average general public assistance caseload for fiscal year 1963 is 709. The present method of obtaining information through the individuals applying for public assistance is slow, expensive, and unreliable, and an automatic clearance of active case files of one agency against those of the other would further insure that there be no duplication and misuse of public funds.

In order to furnish the Department of Public Welfare with information as to whether applicants for public assistance may be receiving or may be entitled to receive unemployment compensation, it is necessary at the present time for the District Unemployment Compensation Board to give an applicant for public assistance a letter stating that he is or is not entitled to receive unemployment compensation. This letter then may be given to the Department of Public Welfare by the applicant for public assistance. In this manner, without violating the provisions of section 13(f) of the District of Columbia Unemployment Compensation Act, the District Unemployment Compensation Board is able to comply to a certain extent with the requests of the Department of Public Welfare for information concerning the status of an applicant for public assistance, insofar as his entitlement to unemployment compensation is concerned. However, this procedure is cumbersome and time consuming, and accordingly the Commissioners strongly recommend that section 13(f) of the District of Columbia Unemployment Compensation Act be amended as set forth in the attached draft bill so as to authorize the District Unemployment Compensation Board to furnish the desired information directly to the Department of Public Welfare. Such an amendment will facilitate coordination of the functions performed by both the District Unemployment Compensation Board and the Department of Public Welfare, and, the Commissioners have reason to believe, will serve to prevent persons receiving public assistance from also receiving unemployment compensation.

The Commissioners have been advised by the Bureau of the Budget that, from the standpoint of the administration's program, there is no objection to the submission of this legislation to the Congress.

Yours very sincerely,

WALTER N. TOBRINER,
President, Board of Commissioners,
District of Columbia.

Mr. BROYHILL of Virginia. Mr. Speaker, I introduced this bill for the purpose of extending to the District of Columbia Unemployment Compensation Board permission to advise the District of Columbia Department of Public Welfare as to the status of applicants for public assistance with respect to their eligibility for unemployment compensation.

It is essential for the Welfare Department to obtain complete information as to all sources of income available to applicants for public assistance, and also as to the applicants ability to work, in order to determine their eligibility and to avoid overpayment of benefits. At present, however, the Unemployment Compensation Board is permitted to disclose such information only to a Government agency administering an unemployment compensation program or public employment offices, or to the U.S. Bureau of Internal Revenue. In the case of applicants for District of Columbia public assistance, the Board must furnish the applicant a letter declaring his status of eligibilty with respect to unemployment compensation. Obviously, this system cannot be as reliable or as effective as direct information to the Department of Public Welfare.

The average caseload in general public assistance in the District of Columbia is now in excess of 700 applications per month, and benefit costs exceed $54,000 per month. In view of these facts, and the recent disclosure of a large percentage of the recipients of such payments being actually unqualified, I feel strongly that it is incumbent upon the Congress to provide the District of Columbia Welfare Department with every possible means of assuring proper and efficient operation of this program. This bill will contribute materially to this end.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Texas [Mr. DOWDY].

SMALL CLAIMS AND CONCILIATION BRANCH, MUNICIPAL COURT, DISTRICT OF COLUMBIA

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 489) to amend the act of March 5, 1938, establishing a small claims and conciliation branch in the municipal court for the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Reserving the right to object, Mr. Speaker, will this require the appointment of another municipal judge?

Mr. HUDDLESTON. No. This will avoid the issuance of a number of orders in many cases which appear before this court.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (g) of section 5 of the Act entitled "An Act establishing a small claims and conciliation branch in the municipal court of the District of Columbia for improving the administration of justice in small cases and providing assistance to needy litigants, and for other purposes", approved March 5, 1938, as amended (52 Stat. 105; D.C. Code, 1961 edition, sec. 11–805(g)), is amended by inserting after the word "action" a colon and the following: *"Provided,* That where in any case controlled by any other statute a greater or lesser time for hearing is specified by such other statute, such other specified period of time shall be controlling".

SEC. 2. The second sentence of subsection (g) of section 5 of such Act is amended by striking "herein" and inserting in lieu thereof "therein".

Mr. DOWDY. Mr. Speaker, the purpose of this bill, as stated in the committee report—Report No. 561—is to correct an inconsistency between two provisions of law relating to actions in the Small Claims and Conciliation Branch of the court now designated the District of Columbia Court of General Sessions—formerly the Municipal Court for the District of Columbia.

Subsection (g) of section 5 of the act creating the Small Claims and Conciliation Branch in the Municipal Court for the District of Columbia—act of March

5, 1938, as amended, 52 Stat. 105—which relates to time for hearing of small claims, provides:

(g) The clerk shall furnish the plaintiff with the memorandum of the day and hour set for the hearing, which time shall be not less than five nor more than fifteen days from the date of the filing of the action. All actions filed in this branch shall be returnable herein.

However, section 7 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended (68 Stat. 123), provides in part as follows:

Section 7. SERVICE OF PROCESS ON NONRESIDENT.

* * * * *

The court in which the action is pending may order such continuances as may be necessary to afford the defendant a reasonable opportunity to defend the action, and no judgment by default in any such action shall be granted until at least twenty days shall have elapsed after service upon the defendant, as hereinabove provided, of a copy of the process and notice of service of said process upon the Commissioners.

The District of Columbia has occasion to file a relatively large number of cases against nonresident motorists in the small claims branch of the municipal court, and in these cases, in view of the conflicting provisions of law quoted above, the question has arisen as to which statutory period of time is applicable.

Presently, the clerk of the Small Claims Branch sets as return day for all actions the 14th day from the date on which suit is filed, in accordance with the statute governing the operations of the Small Claims Branch. However, in motor vehicle operation cases involving nonresident defendants, it is frequently necessary for the plaintiff to secure a continuance on the return date to comply with the longer time limitation of the Safety Responsibility Act. Thus, the plaintiff's attorney and the court's clerical staff are burdened with the work of providing two, and sometimes three, trial dates in the same case.

S. 489 seeks to reconcile the inconsistent provisions of these two statutes by the simple expedient of amending the act establishing the Small Claims and Conciliation Branch of the Municipal Court, to provide that the 15-day maximum period between the date of filing of an action and the date of hearing shall not apply in any case controlled by another statute specifying a greater or lesser period of time.

A bill identical to this, H.R. 12417, passed the House late in the 2d session of the 87th Congress, but was not acted on in the Senate. The same bill was again introduced in the House this year, as H.R. 2696, and was approved by this committee on March 7, 1963. However, the reporting thereof was withheld pending final action on H.R. 3537—now Public Law 88–60, approved July 8, 1963—which changed the municipal court to the court of general sessions. The reported legislation changes the procedures in such court.

At a public hearing held on August 10, 1962, the Board of Commissioners of the District of Columbia expressed their approval of this bill. The committee was informed also that the board of judges of what is now the court of general sessions had voted unanimously in favor of enactment of the measure. No opposition to the bill was expressed.

The following letter, addressed to Hon. JOHN DOWDY, chairman of our Subcommittee No. 4, from Mr. Charles P. Henry, Jr., chief deputy clerk of the Small Claims and Conciliation Branch of the Court of General Sessions, known at that time as the Municipal Court for the District of Columbia, under date of August 14, 1962, presents the views of the court on this proposed legislation:

THE MUNICIPAL COURT FOR
THE DISTRICT OF COLUMBIA,
Washington, DC., August 14, 1962.

Hon. JOHN DOWDY,
House District Committee,
House Office Building,
Washington, D.C.

DEAR SIR: For the purpose of clarification of my phone conversation on August 13, 1962, and for your information may I refer to title 40, section 423(a) of the District of Columbia Code, 1961 edition, which refers to service of process on nonresidents.

"The court in which the action is pending may order such continuances as may be necessary to afford the defendant a reasonable opportunity to defend the action, and no judgment by default in any such action shall be granted until at least 20 days shall have elapsed after service upon the defendant, as herein above provided," etc.

The present period of time in which a case may be heard in this court is 5 to 15 days from date of filing, this being for the purpose of eliminating and preventing any backlog of pending cases before the court.

I am not in favor of an amendment in entirety of this time period but only and specifically in nonresident automobile damage cases for a longer original return date which would eliminate the need and necessity for numerous continuances which only take up valuable time of plaintiffs, plaintiff's attorney, as well as court personnel.

Present procedure of a nonresident case filed in this court is as follows:

(1) Case is filed with original return date of 2 weeks.

(2) Marshal serves copy on Director of Motor Vehicles and Traffic; time requirement (2 to 3 days).

(3) Plaintiff, after verification of service on Director of Motor Vehicles and Traffic, mails a copy of the statement of claim to the defendant at his home address outside of the District of Columbia by registered mail with return receipt requested.

(4) On the original return date, plaintiff or plaintiff's attorney must appear with return receipt showing date of delivery of claim on the defendant.

(5) In all instances when the defendant fails to appear, the case must be continued for a period of 20 days from the date of delivery of notice to the defendant.

(6) Plaintiff or plaintiff's attorney must again appear in court on the extended return date to request a judgment against the defendant.

Inasmuch as the steps of procedure in such actions are now more numerous and involved, favorable consideration of this bill would, in my opinion, be of great benefit to all concerned.

Respectfully yours,
CHARLES P. HENRY, Jr.,
Chief Deputy Clerk, Small Claims and Conciliation Branch.

Mr. BROYHILL of Virginia. Mr. Speaker, the purpose of this bill is to eliminate the present duplication of services in the Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions with respect to nonresident defendants in automobile damage cases. This situation is a result of a present conflict between two controlling statutes.

The act which created the Small Claims and Conciliation Branch in the present District of Columbia Court of General Sessions establishes a period of not less than 5 days nor more than 15 days between the date of filing and the date of hearing, in all small claims cases. However, the District of Columbia Motor Vehicle Safety Responsibility Act provides that in automobile damage cases involving nonresidents, as much as 20 days may elapse between service upon the defendant and the granting of a judgment by default against him.

Presently, because of this conflict of laws, the court sets as return day for all actions the 14th day from the date on which suit is filed; and then in automobile damage cases where the defendant is a nonresident and does not appear within this 2-week period, the case is continued for a period of 20 days from the date of actual delivery of notice to the defendant. The result is that the plaintiff's attorney and the clerk's clerical staff are burdened with the work of providing two, and sometimes three, trial dates in the same case.

This bill would resolve this and any other conflict of a similar nature, by amending the act establishing the small claims and conciliation branch to provide that in any case coming under this act but controlled also by any other statute specifying a different time between notice and hearing, such other specified period shall be controlling. The effect of this will be that the court will serve notice on nonresident defendants in automobile damage cases specifying a 20-day period for hearing, rather than the costly and time-consuming series of notices now made necessary by this conflict of laws.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NOMINATION OF CANDIDATES FOR THE SERVICE ACADEMIES

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 442 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7356) to amend title 10, United States Code, relating to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill

for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, at the conclusion of my remarks I shall yield 30 minutes to the gentlewoman from New York [Mrs. ST. GEORGE] and I now yield myself such time as I may require.

Mr. Speaker, House Resolution 442 provides for the consideration of H.R. 7356, a bill to amend title 10, United States Code, relating to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies. The resolution provides an open rule with 1 hour of general debate.

At the present time, 4,417 midshipmen are authorized for attendance at the Naval Academy whereas only 2,529 are authorized for attendance at the Military and Air Force Academies.

Under existing law, the U.S. Military and Air Force Academies each graduate about 550 cadets annually. With the enactment of this legislation, these academies could ultimately expect to graduate about 930 cadets annually.

The purpose of the bill is to increase the authorized cadet strength of the U.S. Military Academy and the Air Force Academy from the present strength of 2,529 to the strength presently authorized by the U.S. Naval Academy of 4,417; to revise the appointment provisions of the law applicable to the U.S. Naval Academy as well as to the Military and Air Force Academies so as to increase the number of authorized cadets and midshipmen from congressional sources from the present level of 61 percent to approximately 75 percent; to make uniform the statutory provisions relating to the appointments of cadets and midshipmen to the Military, Air Force, and Naval Academies.

One of the reasons, Mr. Speaker, according to the report and an important reason for increasing the admission of Academy graduates to the Army and Air Force officer structure is to improve the retention rate which will result, as we read, through the provisions of the bill. I know many of us have often wondered about the admission standards of the various academies. I know I, for one, a couple of years ago, had a young fellow who graduated from high school. He was not in the top quarter of his class. But on going into the service and after being in the service for a year, he decided he wanted to go to Military Academy. He, during his year in the Army, had grown from adolescence to manhood. He went to prep school and became an excellent student. He took his examinations before the college boards and got around 600 in English and a perfect score in mathematics, an 800 mark. Yet, he was unable to get the appointment that I gave him to one of the service academies because he had not been in the first quarter of his graduating class in high school. He had graduated from high school 2 years previously. The interesting fact about the high school he went to is that it was an honor school. Had he gone to an ordinary high school, no doubt he would have been one of the leaders in the class. But, because of the fact he was not in the first quarter of his graduating class in the high school, he was not admitted to this service academy. But the other two service academies would accept him.

Now, to me, that is a ridiculous situation. I am happy to see in the report on this bill on page 7 it states:

> In view of these circumstances, the committee recommends that the Assistant Secretary of Defense for Manpower review this problem—

That is the problem of admission standards—

> with a view toward making as uniform as practicable admission standards for all the service academies.

I, for one, really think that should be put into effect and the committee says as an alternative, it may be necessary for the Congress to establish these uniform standards by law.

I think this is excellent legislation. At the present time we have a principal and three alternates to the Air Force, a principal and three alternates to the U.S. Military Academy, and a principal and five alternates to the Naval Academy. This would make the law uniform and we will have a principal and five alternates to all academies.

Mr. Speaker, I want to congratulate my colleague, the gentleman from Louisiana [Mr. HÉBERT] and the committee for what I think is an excellent job that they have done on this piece of legislation.

Mr. Speaker, I now yield to the gentlewoman from New York [Mrs. ST. GEORGE].

Mrs. ST. GEORGE. Mr. Speaker, I yield myself such time as I may need.

Mr. Speaker, House Resolution 442 makes in order the consideration of H.R. 7356, a bill to amend title 10 of the United States Code relating to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies.

Mr. Speaker, as I understand it, this bill came from the Armed Services Committee unanimously, even though that may not be a surprise. It is an excellent bill in every respect. It is long overdue.

Mr. Speaker, as my colleague, the gentleman from Massachusetts [Mr. O'NEILL] has pointed out, it does something that has always seemed important to those of us who have had close relations with the various academies; namely, that it put them all on an even basis. For some reason which I have never quite been able to fathom the Naval Academy always had far more candidates and was able to accept far more than either of the other two academies. This will bring the Military Academy at West Point and the Air Force Academy at Colorado Springs, Colo., up to the same level. It is, as I said before, long overdue.

Now, Mr. Speaker, from time to time each of the services has varied by regulation the number of alternates who will be named by congressional sources. These alternates are extremely important because the academies very often pick up several of them after they have appointed the principal.

Mr. Speaker, the Army now permits a principal, plus three alternates. The Navy permits one principal, plus five alternates. The Air Force permits a principal, plus five alternates. If this bill is enacted they will all be the same. It is the hope that they, in time, that is, probably within the next 4 to 5 years, will be able to graduate, roughly, 1,000 officers from each academy.

Mr. Speaker, it is interesting to note that both former President Eisenhower and, I believe on good authority, President Kennedy have favored such legislation. When President Eisenhower was Commander in Chief and made a study of these academies he favored—and in fact I have heard him say that the Military Academy should graduate roughly 1,000 candidates per year. Even so, the idea that all officers or the majority of officers are graduates of these academies is utterly false and even if this legislation goes into effect the officers in the Military Establishment will still constitute a minority as far as graduates from these academies are concerned.

Mr. Speaker, the bill will also represent a great relief to us as Members of Congress to be able to appoint more of these young men who want to go and who should go and who are capable, and not to have them discriminated against at some of the academies.

As has been said before, when the standards are all the same we will not have the kind of conflict and the kind of treatment that my colleague, the gentleman from Massachusetts [Mr. O'NEILL], has just described.

Mr. Speaker, there is only one differentiation as far as I know, and that is that the Naval Academy will continue to have a stricter line as far as eyesight is concerned. In other words, the physical examinations will not be entirely identical.

Mr. Speaker, I certainly favor this legislation and I am sure that the House, in its wisdom, will probably pass it, as the committee has unanimously reported it.

Mr. BARRY. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to my colleague, the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Speaker, I wish to commend the gentlewoman from New York for bringing to our attention this bill. I also wish to commend the gentleman from Massachusetts [Mr. O'NEILL] for his comments, and to commend the committee for having unanimously adopted it.

Certainly most every Member of Congress has gone through the pains of selecting highly qualified candidates for admission to the service academies. The passage of this bill would set the stage for some young men of great ability, who have been deprived of admission, to seek and obtain admission thereby benefiting not only themselves but most especially our great country.

Mr. Speaker, I know that the gentlewoman from New York [Mrs. ST. GEORGE] represents the congressional district in which the Military Academy

at West Point is located. I am fortunate to have the privilege of representing the adjacent congressional district overlooking the Hudson River. From a part of my district one can stand and see West Point on the other side. I think the gentlewoman would agree with me that it is a necessary effort to expand our colleges, to keep up with this rising trend of teenagers who are seething with all of the energy and ability that they have accumulated in their earlier years and are ready to use it. I am sure the gentlewoman would also agree with me: The facilities at West Point and at the Air Force Academy need to be expanded so that they can take on their share of the increased responsibilities of our college-level institutions.

We must be prepared to nearly double the number of college students in 1975 over 1960. I know this is a difficult thing for all of us to encompass, but, nevertheless, it is crystal clear that the quality of boy at West Point and the Air Academy and Annapolis in the form of their graduates has redounded to the credit of the United States. Whether that boy remains in the military service, whether he goes into industry, or whatever his occupation may be, I certainly wish to add my voice of approval to this particular piece of legislation and to the future security of our country.

Mrs. ST. GEORGE. I thank the gentleman for his contribution. May I say I join him in hoping that the Military Academy, with which we are both so familiar, will be able to add greatly to its already remarkable contribution to the welfare of our country and the peace of the world.

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

IN THE COMMITTEE OF THE WHOLE

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7356) to amend title 10, United States Code, relating to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7356 with Mr. HECHLER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HÉBERT. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, the gentleman from Massachusetts [Mr. O'NEILL] and the gentlewoman from New York [Mrs. ST. GEORGE] have given you a brief outline of the basic concept of this legislation and its general effect on the future of the two military academies.

I want to point out and emphasize exactly what the bill does and particularly those provisions which are of particular interest to the Members of this body.

This bill in effect not only enlarges the authorized cadet strength of the Air Academy and the Military Academy to the strength of the Naval Academy but broadens and tightens the control on the appointment system authorized for Members of Congress. There has been a tendency which we all have recognized for many years to take away from Members of the Congress the right of appointment to military academies. This settles that issue for once and for all.

At the present time the Members of the Congress have the right of appointment of five midshipmen numerically at the Naval Academy, four at the Military Academy, and four at the Air Academy.

Under this legislation every Member of the Congress will have the privilege of naming five candidates or nominees to each of the three academies.

In addition to the principal nomination, each Member will have the privilege of naming five alternates. This brings into uniformity and consonance the same appointment privileges to the three academies.

Now most important and most significant is the new priority system setup in the bill, and the creation of a new category as reflected in the appointive powers of the Members of Congress. The first and highest priority for appointment of cadets and midshipmen are congressional appointments; the Presidential appointment and sons of Medal of Honor winners. These nominating sources must first be satisfied. The first appointments to the academy must be from people in these categories who are qualified. Then there is created a new category of 600 individuals, 150 a year, or 600 over a period of 4 years, which will constitute another source from which qualified congressional alternates may be admitted to the academy. In this new category group of 150 or 600 over 4 years, all the congressional qualified alternates will be put into competition one with the other and the entire 150 of this new category shall come from congressional appointees.

In the next category are appointments from enlisted personnel of the Regular military service and the Reserve group. After this group is satisfied then there is still another opportunity for a qualified congressional alternate to be appointed. The remaining qualified alternates from the congressional sources are then put into competition with qualified candidates from all sources. At this point the Secretary of the military department will utilize this pool to bring the academy up to strength and fill remaining vacancies, but 75 percent of these qualified alternates selected from the last category must come from congressional sources. This is the real impact of the bill.

In addition the report recommends that the academies immediately take steps to bring into consonance and uniformity their admission standards. We have a strange situation at the present time of one young man being denied admission to one academy and being admitted to another academy, and upon graduation going into the very service to which he had been originally denied admission. This situation requires correction and if appropriate action is not taken by the Defense Department, Congress will be forced to prescribe uniform standards of admission by law.

Another important feature of the legislation is the fact that appointments from the congressional alternate source is strictly on a competitive basis after initial qualification. The qualified alternate who stands at the top goes in, succeeded by his own successive alternates.

As to the strength which this brings into the picture, the authorized strength of all three academies is brought to the strength of the Naval Academy which it has enjoyed over many, many years of 4,417 as compared to 2,500-plus in the two other military academies. However, you must keep in mind and it must be brought to your attention that the 4,417 strength authorized at the Naval Academy is not exercised. About 4,000 people are in the Academy and full strength has never been authorized or utilized. This, simply stated, is what the bill does.

The purpose of the legislation is threefold:

First. It will increase the authorized cadet strength of the U.S. Military Academy and the U.S. Air Force Academy from the present strength of 2,529 to the strength presently authorized the U.S. Naval Academy of 4,417.

Second. It will revise the appointment provisions of the law applicable to the U.S. Naval Academy as well as the Military and Air Force Academies, so as to increase the number of authorized cadets and midshipmen from congressional sources from the present level of 61 percent to approximately 75 percent.

Third. It will make uniform the statutory provisions relating to the appointment of cadets and midshipmen to the Military, Air Force, and Naval Academies.

BACKGROUND

At the present time, 4,417 midshipmen are authorized for attendance at the Naval Academy whereas only 2,529 are authorized at the Military and Air Force Academies.

Under existing law, the U.S. Military and Air Force Academies each graduate about 550 cadets annually.

With enactment of the proposed legislation, these academies could ultimately expect to graduate about 930 cadets annually.

It is generally recognized that academy graduates, because of their unique background, exert an important beneficial influence upon the officer corps of each of the respective military departments.

Unfortunately, the present production of approximately 550 graduates annually from the Military and Air Force Academies is not adequate to insure a substantial proportion of Academy graduates in the future Regular officer corps of these military departments. Hence, both the Chief of Staff of the Army as well as the Chief of Staff of the Air Force urgently recommend an increase in the

number of graduates authorized for the Military and Air Force Academies.

At the present time, Academy graduates constitute only 3 percent of the total officer force or 8.4 percent of the Regular officer force of the Air Force. In the case of the Department of the Army, Academy graduates constitute only 7.3 percent of the total officer strength or 22 percent of the Regular officer strength.

On the other hand, approximately 32 percent of the Regular officer strength of the Navy is made up of Academy graduates.

Present Military and Air Force Academy production of approximately 550 graduates annually will constitute only 18 percent of the Air Force and 26 percent of the Army officer input when the authorized Regular force of 69,425 and 49,500, respectively, is obtained.

This proportion of Academy graduates in the Regular officer strength is obviously insufficient. The 930 cadets which could be graduated annually upon full implementation of this legislative proposal would constitute 31 percent of the Air Force and 50 percent of the Army input into the Regular officer structure.

Accomplishment of this goal would be consistent with the recommendations of many boards and study groups which have urged that the Regular officer strength of the individual military departments be made up of 50 percent academy graduates and the balance from other sources.

Another important reason for increasing the input of academy graduates into the Army and Air Force officer structure is the improved retention rate which will result.

For example, the Air Force has advised the Committee on Armed Services that its overall retention rate of academy graduates in the Air Force is 87.2 percent compared to a 27-percent retention rate for ROTC graduates.

An increased retention rate for officer personnel has a double advantage in that it will not only result in substantial savings in training costs but will also provide and insure a higher experience level throughout the officer corps. The advantages of both these considerations are evident and require no elaboration.

It is important to note that the proposed legislation does not authorize any increase in the facilities at either the Air Force or Military Academy. Obviously, it will be necessary to provide additional facilities if the full authorized strength of the Military and Air Force Academies is to be attained. However, authorization for such facilities will necessarily be the subject of separate legislation. In the meantime, upon enactment of this legislation, both the Military and Air Force Academies will be permitted to make maximum use of existing facilities.

The Committee on Armed Services has been advised that both the Department of the Air Force and the Department of the Army will probably increase their cadet strengths by approximately 150 to 200 the first year without any increase in existing facilities. Moreover, this initial increase in cadet enrollment will not require additional appropriations.

PROVISIONS OF THE BILL

The bill as originally acted upon by a subcommittee of the Committee on Armed Services was H.R. 6611. H.R. 6611 simply proposed to provide the Army and Air Force Academies with the same authorization for cadet strengths that is presently enjoyed by the Naval Academy.

The Committee on Armed Services concurred in the desirability of providing this increased cadet strength for the Military and Air Force Academies but was of the opinion that certain of the provisions of existing law relating to authorized strength at the Naval Academy required revision.

As a consequence, the Committee on Armed Services made a number of substantive changes to H.R. 6611 and, therefore, introduced a clean bill, H.R. 7356. In addition to providing the Military and Air Force Academies with the same authorized strength now provided the Naval Academy, H.R. 7356 will make the following substantive changes to existing law:

First. The bill would establish a new appointment category for qualified congressional alternates who do not receive a principal appointment.

Under existing law, qualified congressional alternates who do not receive a principal appointment are not given consideration for possible appointment to fill existing vacancies at the academies until after the services have exhausted all other competitive sources of appointment prescribed by law.

As a consequence, relatively few qualified congressional alternates receive appointment to the academies.

The committee has, therefore, proposed the establishment of a new category of competitive appointment restricted to qualified congressional alternates. This category would provide for appointment of 150 alternates per year with a 4-year cumulative total of 600.

Second. The bill will provide a system of priorities in the use of authorized sources of academy nominees and appointees.

The committee would change existing provisions of law relating to the Navy, and would make them also applicable to the Army and Air Force by establishing priorities in the use of nominating and appointing sources for the Academies.

These priorities would be in the following order:

First, all congressional appointments under the "authorized strength" portion of the law would be filled. This means that qualified nominees of Representatives and Senators would be appointed to bring the total "authorized strength" from this source to 2,675. In addition, nominees from other sources in the "authorized strength" section could be appointed in the number necessary to bring midshipmen and cadets from these sources to a total of 58.

Second, appointments would be made from the Presidential source. The authority for these appointments is in the annual appointment portion of the law, and amounts to 75 cadets or midshipmen each year. On a cumulative basis, the number of cadets or midshipmen that could be in the Academy from this source at any one time would be 300, less attrition.

Third, appointments would be made from the new additional congressional source—that is, qualified alternates of Representatives and Senators. The authority for these appointments is likewise in the annual appointment portion of the law, and amounts to 150 candidates each year. On a cumulative basis, the number of cadets or midshipmen that could be in the Academy from this source at any one time would be 600, less attrition.

The fourth, and last, priority would be appointments from nominees of the Secretary from the Regular and Reserve enlisted forces, ROTC, and graduates of honor schools. A total of 170 midshipmen or cadets yearly may be appointed from these sources. On a cumulative basis, the number of midshipmen or cadets that could be in the Academy from these sources at any one time would be 680, less attrition.

Third. The bill includes a provision for a uniform number of authorized congressional alternates.

From time to time, each of the services have varied by regulation the number of alternates who would be named by congressional sources.

The Army now permits a principal plus three alternates.

The Navy, principal plus five alternates.

The Air Force, principal plus five alternates.

Inasmuch as this opportunity for possible appointment of congressional alternates will be enhanced under the legislation—new category of 600 congressional alternates—and since it is desirable that the highest caliber candidates be made available—the bill prescribes that a congressional source may name a principal and 5 alternates for each vacancy.

Fourth. The bill would amend the existing authority of the Secretary to make additional appointments to bring the academies up to strength by providing that at least 75 percent of such appointments rather than 66 percent must come from congressional sources.

The law presently provides the Secretary with authority to make such additional appointments as may be necessary to bring the academies up to authorized strength on opening day.

Presently, two-thirds of these appointments must come from congressional sources.

The bill would increase this to 75 percent to conform to the general increase in input from congressional sources allocated to authorized congressional sources.

Fifth. The bill includes a provision which would govern the gradual increase in cadet strength at the Military and Air Force Academies.

The present authorized strength of the Military and Air Force Academies is 2,505 cadets. Under this authorized strength, each Member of Congress is authorized four principal appointments.

Under the proposed new strength, each Member of Congress would be authorized five principal appointments.

However, since the initial increase in cadet strength will be less than 535 the first year—the number which would be required to give each Member of Congress another principal appointment—there will be required an equitable distribution of the additional appointments that will be possible during the buildup period.

The bill, therefore, provides that all additional appointments made to the Military and Air Force Academies which would result in a cadet strength in excess of 2,505—the present strength—must come from congressional sources.

The committee was also assured by representatives of the service departments that these additional appointments would be made from qualified congressional alternates in order of merit.

As a Member of Congress received one of these additional appointments, he would not be eligible for an additional appointment until after every other congressional source had received a fifth appointment.

SUMMARY OF COMMITTEE ACTION

In summary, the bill as reported by the Committee on Armed Services and recommended for enactment, will provide a uniform cadet/midshipman strength for all the service academies. However, by virtue of the committee changes previously mentioned, the Congress will reaffirm its insistence that the major procurement of candidates for the service academies will be from congressional sources.

Under the proposed committee changes, the possibility of a congressional alternate being appointed to one of the service academies will be greatly enhanced. Today, if a qualified congressional alternate does not succeed to a principal appointment, he only receives consideration for appointment after all other competitive sources of the Secretary of the military department have been exhausted.

Under the committee change, he will now be given a second opportunity for selection in the new congressional alternate category recommended by the committee.

Also, if he fails of selection in this category, he will then have a third opportunity to be considered for appointment by the Secretary when the Secretary utilizes his established authority to bring the academies up to strength. In this instance, at least 75 percent of these additional appointments made by the Secretary will, under the bill, be required to come from congressional sources.

FISCAL DATA

Enactment of this legislation will not require any additional appropriations to the Department of Defense. The committee has been advised that both the Military and Air Force Academies would increase cadet strength by approximately 150 to 200 cadets in the first year. This increase could be accomplished without the construction of any new facilities or any additional appropriations.

New facilities, however, would be required to accommodate any substantial increase in cadet strength above the initial input.

The Army has advised that the construction of new facilities to accommodate the maximum authorized strength would require an estimated $66 million of new construction.

The Air Force advised that new facilities requirements would amount to approximately $36 million.

CONCLUSION

The Department of the Air Force, on behalf of the Department of Defense, has advised the Committee on Armed Services that it strongly supports enactment of this legislation.

Mr. Chairman, this concludes my summary and explanation of the bill. I believe it to be an excellent bill which merits the approval and support of every Member of this body.

Mr. BRAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I join my colleagues in rising in support of this legislation.

As the ranking minority member on the subcommittee which drafted this legislation, I feel particularly qualified to vouch for its merits.

The Members of the House have been given a very excellent and detailed explanation of the bill. However, I feel that certain features of this bill require special emphasis and, therefore, I will take the next few minutes to review these important elements of the bill.

As Mr. HÉBERT has previously explained, this bill, when completely implemented, will result in an increase in principal appointments made by Members of Congress from the present level of four to a level of five. However, since the initial input of cadets into the Military and Air Force Academies will be less than 535 and, therefore, will not permit another principal appointment for each Member of Congress, there will be a period of buildup in academy strength which must be carefully supervised.

Therefore, the bill provides that during the interim or buildup period and until each Member of Congress is given his increased quota of five principal appointments, all appointments that will result in exceeding present actual or authorized strength will necessarily come from congressional sources.

The bill requires a monitoring of this procedure by requiring the Secretaries of the Army and Air Force to consult with the Committees on Armed Services of the House and Senate during implementation of this procedure.

The second distinctive and important feature of this bill that merits congressional attention relates to the new category of 150 congressional qualified alternates who may be appointed to each of the academies annually. That is 150 for each of the 4 years.

This group of appointees from congressional sources will, under the bill, be given a priority above other appointment sources available to the Secretary. Thus, the Secretary will be required to exhaust this new congressional qualified alternate category before he utilizes his other competitive sources of procurement.

The net result of these actions is to reassert the desire of the Congress that our cadets and midshipmen at the Military, Air Force, and Naval Academies will largely come from congressional sources.

Mr. Chairman, I do want to point out that this legislation as originally recommended to the committee from the Department of Defense did not give this additional group of appointments to the Congress. It went back to the old Naval Academy plan whereby these extra numbers were selected by the Academic Board of the Academy. Now this will increase the number of congressional appointees, roughly, from, I believe, 61 to 75 percent. Under the bill we are returning to the method of appointment which will be principally congressional, and from which the Navy had gotten away in yearly appointments. In fact, all three of the Academies will be under exactly the same type of appointments and the numbers will be the same.

Mr. Chairman, I think this legislation is long overdue and I heartily recommend its enactment.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from Ohio.

Mr. BOW. I congratulate the committee very much on the bill and I intend to support it. It would seem to me that we ought to know exactly what we are doing. The committee, very properly in the report, has shown the cost of this change. It is estimated that this will cost us about $146 million over a period of 10 years. Am I correct in that?

Mr. BRAY. As I recall, that is approximately correct.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from Louisiana.

Mr. HÉBERT. The figure is not $146 million over 10 years, it is closer to $106 million over 10 years, provided that the Congress authorizes the new construction. The control is entirely in the Congress. The actual figures would be some $60 million at the Military Academy and $36 million at the Air Academy, but this is not an authorization bill at all in that connection. We must have separate legislation, and it must come before the Committee on Armed Services and before the House before any construction can be begun.

Mr. BRAY. That is correct.

Mr. BOW. The gentleman from Louisiana is quite right, with the one exception, I believe. The report shows a total to the Military Academy of $110 million, $44 million of which is for modernization and $66 million for expansion. Then there is a matter of $36 million for the Air Force Academy. So if my figures are right, that brings it to $146 million when you take into consideration the modernization.

Mr. HÉBERT. No; you are adding two figures back again. Even without this legislation the Military Academy will make a request over a period of years, and it has been doing so for several years

in the past, for rehabilitation of its buildings, in the amount of some $46 million. Regardless of whether or not this legislation is passed, the Military Academy in the next several years is going to come to the Congress to ask permission to rehabilitate the buildings, which are of ancient vintage and need rehabilitation. We must remove that $46 million from the total of $146 million, which includes the amounts, if and when Congress adds them, to enlarge the Academy to take care of the full authorized strength. You do this in annual increments.

At the Air Force Academy the figure of $36 million applies only to new construction, which could only be granted by Congress in an authorization for the Air Force Academy.

As a typical example, at the present time the Air Force could take in 200 new cadets, as the gentleman from Indiana [Mr. BRAY] pointed out, in this phase-in, with the physical facilities it has now. The Military Academy could take in 150 under the same circumstances. As the years go on the Academies must come back to the Congress and get authorizations for new construction for the continued phasing in and the required expansion of the property at the institutions.

Mr. BOW. I agree again with the explanation of the gentleman from Louisiana. The report shows it very clearly. The purpose of raising this question is simply to let us know and have it right on the record. I am going to support this bill, as I said. I think it is a good bill. But when we have bills of this kind, I think it is well to have some understanding about the possible cost we may be faced with in the future.

I understand there is no authorization in this bill for any funds. That would come later through the great Committee on Armed Services of the House, of which the gentleman is a member. After a complete hearing, then it would be reported to the House and then come before the Appropriations Committee. This bill carries no authorization for construction, but there is the estimate of the possibility of $66 million in new construction for the Army and $36 million in new construction for the Air Force, over a period of 10 years.

Mr. BRAY. That is correct. I am happy the gentleman brought that matter up, because in the building of the Air Force Academy a very unfortunate thing occurred. The amount ran far more than the estimate. I think the Congress should keep a very tight rein on these authorizations and appropriations, because what did happen there is very unconscionable. I intend for my part to see that that does not happen again.

Mr. BOW. I am delighted the committee does bring out these facts in connection with this bill, although this is not an authorization bill. I hope the other committees in the future will give us in their reports estimates about what these things will cost in the future, and give us an opportunity to examine them.

I thank the gentleman.

Mr. HÉBERT. I thank the gentleman for his support of this legislation and for his concise explanation of what the facts are, and I would again indicate that the committee did bring this to the attention of the Congress in the report and the only time money will be authorized is if the facts justify it.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, I take this time to discuss one important aspect of this bill which relates directly to another bill that was before the House in the last session, H.R. 7913 of the 87th Congress, and which also provided for certain additional cadets at two of our service academies. Members may perhaps recall that H.R. 7913 became the subject of some controversy, and eventually failed of passage, largely because of the whole problem of athletic professionalism in our service academies.

I am sure that many Members of the House have been concerned, as I have, about these recurring reports of athletic professionalism in our service academies, of attracting people into the service academies not because of any great motivation on their part for the services but simply because they happened to have some particular kind of athletic ability that this or that particular service academy happened to be in need of at the moment. And all too frequently, Mr. Chairman, individuals appointed to the academy in this fashion have left the services just as rapidly as they could after graduation in order to take up a full-time career in professional athletics.

In my judgment, Mr. Chairman, this is very wrong and should not be permitted. The taxpayers of the United States should not be asked to pay for the college education of individuals purely for the sake of training them in a career of professional athletics. Whatever might be the argument in favor of athletic professionalism in our civilian universities—and I for one do not find them very persuasive—it certainly has no proper place in our military academies. Yet, Mr. Chairman, the situation has become so serious in recent years that we actually have the spectacle of service academy coaches wandering through the corridors of the House Office Buildings soliciting academy appointments from Members of Congress without any regard whatsoever for the congressional district in which the particular individual appointed may reside. Indeed, in some cases I know of we have even had these coaches or athletic representatives trafficking personally themselves in congressional appointments to the academies and have had them, in effect, promising these congressional appointments to individuals solely because of their athletic ability.

Why only last year, Mr. Chairman, in the CONGRESSIONAL RECORD, volume 108, part 10, page 13171, I placed a sworn affidavit describing the details of a situation of this kind which came to my attention in my own congressional district, where a West Point basketball coach had actually promised a resident of my congressional district an appointment to the Military Academy and then had himself obtained that appointment for the lad from another district in another State, and all without my ever having been aware of the fact that the boy in question was an applicant for the Academy. When at the last moment the promised appointment fell through, the boy was left holding the bag and at that moment his parents appealed in desperation to me, their own Congressman.

I think this kind of thing is very wrong in our academies. Members will recall that this rampant athletic professionalism was discussed not only in this House last year but also in the other body by the able Senator from Louisiana [Mr. LONG]. Senator LONG also spoke out against such activities in the U.S. Military Academy. And I dare say similar things have happened in some of our other service academies as well.

The bill we had before us in the last Congress, H.R. 7193, was intended to increase the number of appointments in the Military Academy and in the Air Force Academy. It was drawn up, Mr. Chairman, to allow the so-called academic boards of these two academies to make additional appointments of their own selection to fill in advance an anticipated annual attrition in their entering classes. The able Senator from Louisiana pointed out in the other body that although these so-called academic board appointments constituted regularly only about 10 percent of the total number of cadets appointed to these academies, they nevertheless over the years have also regularly constituted something like 75 percent of the varsity athletes in these same academies. And so the Senator pointed out that obviously the assignment of additional appointments to the academic boards as H.R. 7913 would have done, would have had the practical effect of just letting the academies pick more of the athletes they wanted regardless of the legal requirements of congressional district residence, and without regard for the obligation to select all qualified candidates on the basis of their overall ability.

The Senator from Louisiana did succeed in getting several amendments added to H.R. 7913 in the other body. Chiefly, there were two of these amendments. One was an amendment which required that if the academies did select these new appointees from qualified alternates designated by Members of Congress, then they had to give first preference to the selection of first alternates rather than jumping down the line to the boy with the particular athletic ability they wanted. This of course has been the practice in the past. They get some obliging Member to be good enough to put this or that lad on as third or 4th or 5th or even 11th alternate on his own list, just so he was anywhere at all within the ball park, and then the academic board could reach down and pick him up. That amendment helped to block that little gimmick.

The second amendment added to H.R. 7913 in the other body was a provision to the effect that the names and addresses and the name of the congressional appointer for each of these newly

appointed individuals be published annually by each Academy.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HÉBERT. Mr. Chairman, I yield 5 additional minutes to the gentleman from New York.

Mr. STRATTON. I thank the gentleman from Louisiana.

Now, Mr. Chairman, this bill (H.R. 7913) came back over to this body on August 14 last year. I objected to its immediate consideration in this body because I felt very strongly, as I commented at the time, that we needed to discuss this whole subject of athletic professionalism more fully, and I also felt that we needed not only the protection that had been written into the legislation as it left the other body, but also some more evidence in the higher echelons of the Defense Department that somebody over there understood the problem and perhaps really cared about doing something about it.

Mr. Chairman, I am happy to say that I am supporting H.R. 7356 today, a bill which also provides for additional cadet strength, because, after having had an opportunity to study it carefully, I have concluded that it does represent a more significant step in the direction of eliminating the kind of rampant and improper methods of cadet recruitment that I had objected to so strenuously last year. It does this in several ways, Mr. Chairman. First, as the able gentleman from Louisiana has already pointed out, H.R. 7356 provides that henceforth a larger percentage of those appointed to the Academies shall be congressional designates and a lesser percentage shall be selected by the various academic boards. Secondly, it provides that those thus selected shall be selected on the basis of merit, and as a result of competition, with their merit based on more than athletic ability alone. And finally, H.R. 7356 spells out once again, for all three of the Academies, the very clear legal requirement that no individual shall be appointed who is not himself a resident of the district represented by the particular Member of Congress appointing him. And may I add, Mr. Chairman, that I believe the services have just as much responsibility in seeing that this requirement of law is adhered to as do the Members themselves. Together these three provisions of H.R. 7356 should help to put an end to Academy athletic coaches roaming up and down the corridors of the House Office Building looking for a Member, let us say, from the Far West, to give an Academy appointment to a lad who lives in the East, or looking for a Member from the East to appoint someone living in the West.

Mr. Chairman, we were all shocked and disturbed a few years ago over the athletic cribbing scandal at West Point. Is it really any wonder we have cheating if the officials of those same academies themselves encourage young boys to falsify their addresses to gain their original entrance to the Academy? How can such procedures help but contribute to the breakdown in the code of honor we saw at West Point a few years ago?

Mr. Chairman, these three requirements which have been placed in H.R. 7356 are all big steps in the right direction. In fact I believe they will go further toward eliminating athletic professionalism in our academies than anything that might have been done by H.R. 7913, even with the amendments added in the other body. And, while it might perhaps be helpful to have a further provision that the name of the congressional sponsors and the actual residence of each academy appointee be published annually by each service academy, as H.R. 7913 would have done, if the provisions of H.R. 7356 are faithfully carried out, there may not be any need for that further kind of amendment.

So, Mr. Chairman, if we are going to increase the service academies, if we are going to run into the expenditure of additional sums of money, as the gentleman from Ohio [Mr. Bow] mentioned a moment ago, at least let us make sure today that the taxpayers of America are not being asked to spend this money just to train professional athletes. I am all for athletics; I even am in favor of having good professional athletics. But I do not think that athletic professionalism has any place in any university and I particularly do not think that tax money spent for developing the naval and military and air force leaders of the future ought to be diverted, even in the slightest percentage, to subsidizing professional athletics in those service academies.

With that understanding, Mr. Chairman, I wish to commend the gentleman from Louisiana [Mr. HÉBERT] for his bill and to say that his legislation, if passed here with this clarification of congressional intent, should indeed serve to put an end to disturbing practices of the past that have no proper place in any American service academy.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 403 of title 10, United States Code, is amended as follows:

(1) Section 4342 is amended to read as follows:

"§ 4342. Cadets: appointment; numbers, territorial distribution

"(a) The authorized strength of the Corps of Cadets of the Academy is as follows:

"(1) 40 cadets selected in order of merit as established by competitive examinations from the sons of members of the armed forces who were killed in action or died of wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service—

"(A) during World War I or World War II as defined by laws providing service-connected compensation or pension benefits for veterans of those wars and their dependents; or

"(B) after June 26, 1950, and before February 1, 1955.

The determination of the Veterans' Administration as to service connection of the cause of death is binding upon the Secretary of the Army.

"(2) Five cadets nominated at large by the Vice President.

"(3) Ten cadets from each State, five of whom are nominated by each Senator from that State.

"(4) Five cadets from each congressional district, nominated by the Representative from the district.

"(5) Five cadets from the District of Columbia, nominated by the Commissioners of that District.

"(6) Five cadets from each Territory, nominated by the Delegate in Congress from that Territory.

"(7) Six cadets from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

"(8) One cadet nominated by the Governor of the Panama Canal from the sons of civilians residing in the Canal Zone or the sons of civilian personnel of the United States Government, or the Panama Canal Company, residing in the Republic of Panama.

"(9) One cadet from American Samoa, Guam, or the Virgin Islands nominated by the Secretary of the Army upon recommendations of their respective Governors.

Each Senator, Representative, and Delegate in Congress is entitled to nominate a principal candidate and five alternates for each vacancy that is available to him under this section.

"(b) In addition, there may be appointed each year at the Academy cadets as follows:

"(1) 75 selected by the President from the sons of members of regular components of the armed forces.

"(2) 85 nominated by the Secretary of the Army from enlisted members of the Regular Army.

"(3) 85 nominated by the Secretary of the Army from enlisted members of the Army Reserve.

"(4) 20 nominated by the Secretary of the Army under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Reserve Officers' Training Corps.

"(5) 150 selected from qualified alternates nominated by the persons named in clauses (3) and (4) of subsection (a).

"(c) The President may also appoint as cadets at the Academy sons of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

"(d) All cadets are appointed by the President. An appointment is conditional until the cadet is admitted.

"(e) If the annual quota of cadets under subsection (b) (1), (2), (3) is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

"(f) Each candidate for admission nominated under clauses (3)–(7) and (9) of subsection (a) must be domiciled in the State or Territory, or in the congressional district, from which he is nominated, or in the District of Columbia, Puerto Rico, American Somoa, Guam, or the Virgin Islands, if nominated from one of those places.

"(g) The Secretary of the Army may limit the number of cadets appointed under this section to the number that can be adequately accommodated at the Academy, as determined by the Secretary after consulting with the Committees on Armed Services of the Senate and House of Representatives, subject to the following:

"(1) He may not limit by more than one the number of cadets that could otherwise be appointed by each nominating authority under subsection (a) (3) or (4).

"(2) If he limits the number of appointments under subsection (a) (3) or (4), any

appointment that will cause the total number of cadets at the Acedamy, chargeable to the nominating authorities named in subsections (a) and (b), to be more than 2,505 must be made under subsection (a) (3) or (4).

"(3) If he limits the number of appointments under subsection (b)(5), and the total number of cadets upon admission of a new class at the Academy will be more than 3,737, no appointments may be made under subsection (b)(2)–(4) or section 4343 of this title."

(2) The second sentence of section 4343 is amended—

(A) By striking out "two-thirds" and inserting in place thereof "three-fourths".

(B) By striking out "clauses (1)–(6) of section 4342(a), and clause (2) of section 4342(e)," and inserting in place thereof "clauses (2)–(8) of section 4342(a)".

SEC. 2. Section 6954 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting at the end thereof the following flush sentence:

"Each Senator, Representative, and Delegate in Congress is entitled to nominate a principal candidate and five alternates for each vacancy that is available to him under this section."

(2) Subsection (b) is amended by striking out "160" in clauses (2) and (3) and inserting "85" in place thereof, and by inserting the following new clause after clause (4):

"(5) 150 selected from qualified alternates nominated by persons named in clauses (3) and (4) of subsection (a)."

(3) The following new subsection is added at the end:

"(d) The Secretary of the Navy may limit the number of midshipmen appointed under subsection (b)(5). When he does so, if the total number of midshipmen, upon admission of a new class at the Academy, will be more than 3,737, no appointments may be made under subsection (b)(2)–(4) or secton 6956 of this title."

SEC. 3. Section 6956 of title 10, United States Code, is amended—

(1) By striking out "one or more alternates" in subsection (a) and inserting in place thereof "five alternates".

(2) By striking out "two-thirds" in the second sentence of subsection (e) and inserting in place thereof "three-fourths".

SEC. 4. Chapter 903 of title 10, United States Code, is amended as follows:

(1) Section 9342 is amended to read as follows:

"§ 9342. Cadets: appointment; numbers, territorial distribution

"(a) The authorized strength of Air Force Cadets of the Academy is as follows:

"(1) 40 cadets selected in order of merit as established by competitive examination from the sons of members of the armed forces who were killed in action or died of wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service—

"(A) during World War I or World War II as defined by laws providing service-connected compensation or pension benefits for veterans of those wars and their dependents; or

"(B) after June 26, 1950, and before February 1, 1955.

The determination of the Veterans' Administration as to service connection of the cause of death is binding upon the Secretary of the Air Force.

"(2) Five cadets nominated at large by the Vice President.

"(3) Ten cadets from each State, five of whom are nominated by each Senator from that State.

"(4) Five cadets from each congressional district, nominated by the Representatives from the district.

"(5) Five cadets from the District of Columbia, nominated by the Commissioners of that District.

"(6) Five cadets from each Territory, nominated by the Delegate in Congress from that Territory.

"(7) Six cadets from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

"(8) One cadet nominated by the Governor of the Panama Canal from the sons of civilians residing in the Canal Zone or the sons of civilian personnel of the United States Government, or the Panama Canal Company, residing in the Republic of Panama.

"(9) One cadet from American Samoa, Guam, or the Virgin Islands nominated by the Secretary of the Air Force upon recommendations of their respective Governors.

Each Senator, Representative, and Delegate in Congress is entitled to nominate a principal candidate and five alternates for each vacancy that is available to him under this section.

"(b) In addition, there may be appointed each year at the Academy cadets as follows:

"(1) 75 selected by the President from the sons of members of regular components of the armed forces.

"(2) 85 nominated by the Secretary of the Air Force from enlisted members of the Regular Air Force.

"(3) 85 nominated by the Secretary of the Air Force from enlisted members of the Air Force Reserve.

"(4) 20 nominated by the Secretary of the Air Force, under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Air Force Reserve Officers' Training Corps.

"(5) 150 selected from qualified alternates nominated by the persons named in clauses (3) and (4) of subsection (a).

"(c) The President may also appoint as cadets at the Academy sons of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

"(d) All cadets are appointed by the President. An appointment is conditional until the cadet is admitted.

"(e) If the annual quota of cadets under subsection (b) (1), (2), or (3) is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

"(f) Each candidate for admission nominated under clauses (3)–(7) and (9) of subsection (a) must be domiciled in the State or Territory, or in the congressional district, from which he is nominated, or in the District of Columbia, Puerto Rico, American Samoa, Guam, or the Virgin Islands, if nominated from one of those places.

"(g) The Secretary of the Air Force may limit the number of cadets appointed under this section to the number that can be adequately accommodated at the Academy, as determined by the Secretary after consulting with the Committees on Armed Services of the Senate and House of Representatives, subject to the following:

"(1) He may not limit by more than one the number of cadets that could otherwise be appointed by each nominating authority under subsection (a) (3) or (4).

"(2) If he limits the number of appointments under subsection (a) (3) or (4), any appointment that will cause the total number of cadets at the Academy, chargeable to the nominating authorities named in subsections (a) and (b), to be more than 2,505 must be made under subsection (a) (3) or (4).

"(3) If he limits the number of appointments under subsection (b) (5), and the total number of cadets upon admission of a new class at the Academy will be more than 3,737, no appointments may be made under subsection (b) (2)–(4) or section 9343 of this title."

(2) The second sentence of section 9343 is amended:

(A) By striking out "two-thirds" and inserting in place thereof "three-fourths".

(B) By striking out "clauses (1)–(6) of section 9342(a), and clause (2) of section 9342(e)," and inserting in place thereof "clauses (2)–(8) of section 9342(a)".

AMENDMENT OFFERED BY MR. HÉBERT

Mr. HÉBERT. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. HÉBERT: Page 3, line 13, page 6, line 13, and page 9, line 10, after the word "Congress" the following additional language: ", including the Resident Commissioner from Puerto Rico,".

Mr. HÉBERT. Mr. Chairman, the intent of this amendment is to include the Resident Commissioner from Puerto Rico. The amendment is purely technical and makes no substantive change in the bill. The amendment is designed to make clear that the Resident Commissioner of Puerto Rico also is entitled to nominate a principal and five alternates for each vacancy available to him.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. LAIRD

Mr. LAIRD. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. LAIRD: Page 11, after line 25, insert:

"SEC. 5 (a) Paragraph (2) of section 4348, paragraph (2) of section 6959, and paragraph (2) of section 9348 of title 10 of the United States Code are each amended by striking out 'three' and inserting in lieu thereof 'five'.

"(b) The fourth sentence of section 182 of title 14 of the United States Code is amended by striking out 'four' and inserting in lieu thereof 'five'.

"(c) The amendments made by this section shall apply only with respect to cadets and midshipmen appointed to the service academies after the date of enactment of this Act, and shall not affect the obligated period of service of any cadet or midshipman appointed to one of the service academies on or before the date of enactment of this Act."

Mr. LAIRD. Mr. Chairman, the purpose of this amendment is simply to extend the period of obligated service from 3 years to 5 years. At the present time each cadet at the service academies obligates himself to 3 years of service. By regulation, however, this has been extended to a 4-year period. The statutory obligation as far as the Coast Guard Academy is concerned is presently 4 years. This amendment would make the Coast Guard Academy, the Air Force Academy, and the Naval Academy, as well as the U.S. Military Academy at West Point the same by extending the obligation to 5 years for all cadets appointed after enactment of the bill.

Last year I offered the same amendment to a bill that was considered by the House. The amendment was adopted

by the House of Representatives and became a part of the bill that got caught in a controversy and did not finally receive passage in the last session of the Congress.

Mr. HÉBERT. I want to congratulate the gentleman on offering the amendment, and I wholeheartedly support it. The committee will accept the amendment.

Mr. WINSTEAD. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I will be happy to yield to the gentleman from Mississippi.

Mr. WINSTEAD. Would this apply to the ones who are now nominated to the 1964 academy?

Mr. LAIRD. This applies to those appointed after the enactment of this particular piece of legislation. That is the only manner in which we can change the obligated service.

Mr. WINSTEAD. In other words, if the nomination is made now for 1964 it would not apply to those particular individuals, but as to ones made later, after this is enacted into law it would apply to that individual even in the 1964 class?

Mr. LAIRD. That is correct. It would not apply to those already in the service schools now or appointed before the bill becomes law.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from Indiana.

Mr. BRAY. On the minority side of the committee we agreed to that amendment. I think it is a long-needed amendment to this legislation.

Mr. LAIRD. I thank the gentleman from Indiana.

Mr. BECKER. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I will be glad to yield to the gentleman from New York.

Mr. BECKER. I would just like to clarify the question asked by the gentleman from Mississippi. Members of the House who have made appointments for the class of 1964 now, or before the enactment of this act, are not subject to this provision. I understood, and I agreed to the amendment and I voted for it last year. I do not make my appointments until October and this law goes into effect prior to October which would mean my appointees, while not appointed subsequent to the enactment in 1964, would be affected by this. It seems to me if we are to be fair with such an amendment we should not make an act so effective that only part of a class of 1964 will be affected and another part will not be affected. Could we not clarify that?

Mr. VINSON. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I will be glad to yield to the gentleman from Georgia.

Mr. VINSON. This is what the amendment says:

> The amendments made by this section shall apply only with respect to cadets and midshipmen appointed to the service academies after the date of enactment of this Act.

That is just as plain as it can be. It does not make a particle of difference. If you appoint him now, and this law is not on the statute books, it does not apply to him. However, if you appoint him after the enactment of this act it does apply.

Mr. LAIRD. I would like to state this amendment does not apply to nominations. This amendment applies to appointments. The appointments all come at one time in any 1 year to the service academies. The appointments are on a fixed date basis for all schools. You are talking about nominations and this amendment refers to appointments. It does not have any retroactive provision in it as far as appointments are concerned.

Mr. BECKER. Then do I understand this to be the case: This amendment will apply to all cadets after the class of 1964, if enacted by the Congress?

Mr. LAIRD. If enacted before the time of the appointments, but it will not if it is enacted after the appointment date. The appointment date at the various academies is different, but it applies if the act is passed prior to the appointment. If that is the case then it will apply. After the appointment date it will not apply. It has no retroactive provision.

Mr. BECKER. What does the gentleman consider an appointment date?

Mr. LAIRD. Selection by an academy and notification of the appointment that comes from the academies to the individual nominees nominated by Members of Congress or any other nominating authority.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSS. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, I shall support this amendment, although I am not exactly happy that the period of obligated service is limited to 5 years. I believe, and I am sure there are other Members who agree, it ought to be 7 or 8 years of obligated service. Let me point out to you again this year that Air Force ROTC students at the universities and colleges, paying for their own education, or their parents paying the bills, are obligated, if they take flight training, to a 5-year service contract.

I say again that this amendment imposes only a 5-year contract with a taxpayer-paid education for service academy cadets. The Armed Services Committees of the House and Senate ought to give serious thought and attention to the extension of their period of obligated service to 7 or 8 years rather than 5 years. If these young men are going into the service academies for the purpose of becoming career officers, then the period of obligated service ought to be commensurate with the $40,000 educations which are provided. The taxpayers have every right to expect them to give a fair return for the investment which has been made in preparing them for the military profession.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LAIRD].

The amendment was agreed to.

Mr. VINSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it gives me great pleasure to rise in support of H.R. 7356.

The bill, as reported by the Committee on Armed Services, will establish a uniform authorized strength for all the service academies.

At the present time, there are a total of 4,417 midshipmen authorized for attendance at the Naval Academy. On the other hand, only 2,529 cadets are authorized at the Military and Air Force Academies.

Under the terms of this legislation, the authorized strength at each of these academies would be established at 4,417.

Now, what does this change mean to a Member of Congress?

At the present time, each Member of Congress is authorized four principal appointments at the Military Academy, four principal appointments at the Air Force Academy, and five principal appointments at the Naval Academy.

Thus, a Member of Congress may now have a maximum total of 13 principal appointees in attendance at one time at the various service academies.

Under the terms of the proposed legislation, the principal appointments authorized a Member of Congress will be increased to 5 at each of the service academies, for a total of 15 principal appointments.

Thus, when this legislation is fully utilized and implemented, each Member of Congress will be authorized to have in attendance at one time at the service academies a maximum of 15 principal appointees.

This represents an increase of two principal appointments for each Member of Congress.

In addition to the foregoing increase in principal appointments, each Member of Congress will have an increased opportunity to obtain appointment of his qualified alternates to each of the service academies.

There is contained in this bill a provision which would establish a new appointment source for individuals desiring to enter the service academies.

This provision provides that all qualified congressional alternates, who do not succeed to a principal appointment, be placed in a pool from which will be selected an additional 150 appointees to each of the service academies.

Thus, a Member, in addition to his principal appointments will each year after enactment of this bill, enter all his qualified alternates into competition with other qualified congressional alternates for appointment to one of the 150 annual vacancies at each of the service academies.

This new appointment source to be established by this legislation, is particularly meritorious since it will provide qualified congressional alternates with a new and genuine opportunity to obtain an appointment despite the fact that they may not have been selected as the Congressman's principal nominee.

These changes to existing law will reaffirm the insistence of the Congress that the bulk of appointees to our service academies must come from congressional sources.

Under existing law, only 61 percent of appointees to the Naval Academy must

come from congressional sources. Under the changes in existing law proposed by this legislation, approximately 75 percent of these appointees must come from congressional sources.

Now, the objective of the Congress in reasserting itself as the basic source of appointment to the Service Academies, is not for the purpose of developing another avenue of political patronage but rather to insure that the future generals and admirals of our Nation who guide our military destinies, will, in fact, be representative of the heart and soul of America.

The development of this system of procurement for a substantial portion of our career officer personnel insures against the possibility that our Armed Forces might otherwise become parochial in their social, economic, or political philosophy.

It prevents the possibility that one section of the country or one strata of our society would eventually control and mold the shape of our military thinking.

In short, it insures the all-American character of our career officer personnel.

This is a good bill which deserves your support. Mr. HÉBERT and all the members of his subcommittee who worked so diligently in preparing this splendid legislation deserve the thanks of the Congress.

I hope that when reference is made to this legislation in the future, it will be referred to as the "Hébert bill" in honor of its distinguished author.

Before closing, I would like briefly to review existing appointment sources.

Appointments under the law today to the three academies are from the following sources:

CONGRESSIONAL APPOINTMENTS

Under existing law, each Member of Congress is authorized to make the following principal appointments to the service academies:

Four to the Military and Air Force Academies, respectively, and five to the U.S. Naval Academy.

PRESIDENTIAL APPOINTMENTS

The President appoints in three general categories:

First. He appoints 40 cadets/midshipmen annually to each of the academies from among sons of dead veterans.

Second. He appoints 75 midshipmen annually to the Naval Academy and approximately 22 each year to the Air Force and Military Academy.

Third. He is also entitled to appoint the sons of Medal of Honor winners. This latter category has no limitation.

VICE PRESIDENTIAL APPOINTMENTS

In the case of the Vice President, he may appoint three to the Air Force and Military Academy, and five to the Naval Academy.

DISTRICT COMMISSIONERS

The Commissioners of the District of Columbia are authorized to appoint a total of three each to the Air Force and Military Academy and a total of five to the Naval Academy.

OTHER OFFICIALS

The Governors of Guam, Samoa, and the Virgin Islands are authorized to have in attendance at each of the Air Force, Military, and Naval Academies, one cadet/midshipman.

The Governor of Panama is authorized to have two cadets at the Military and Air Force Academies, and one midshipman at the Naval Academy.

The law specifically authorizes a maximum of 24 foreign students in attendance at the Military, Air Force, and Naval Academies. These foreign students are limited to the Philippine Islands and the American Republics, and are appointed by the cognizant authority of those states.

SECRETARIES OF THE MILITARY DEPARTMENTS

The Secretary of each of the military departments is authorized to make additional appointments each year as follows:

The Secretaries of the Army and Air Force are authorized approximately 22 annual appointments from the enlisted Regulars and another 22 from the enlisted Reserves, a total of 44.

In the case of the Secretary of the Navy, he is presently authorized to appoint a maximum of 160 a year from the enlisted ranks of the Regular service and 160 a year from the enlisted ranks of the Reserve service.

The Secretaries of the departments are also authorized to appoint additional cadets/midshipmen from honor schools.

In the case of the Army and Air Force, this amounts to approximately 10 per year. In the case of the Secretary of the Navy, this amounts to 20 per year.

SUMMARY

The total of these nominations in the case of the Air Force and Military Academy presently amount to a total authorized strength of 2,529.

In the case of the Naval Academy, these authorizations amount to 4,417.

ADDITIONAL APPOINTMENT AUTHORITY

In addition to the foregoing authorizations, the Secretaries of the individual military departments are given general authority to bring the academies up to strength on opening day each year. These appointments are to be made from available qualified alternates.

The law prescribes that when this authority is utilized, not less than two-thirds of these additional appointments must come from congressional sources.

CONCLUSION

The only change in the proposed bill in source of appointments is with reference to enlisted personnel of the Regular and Reserve services.

In the case of the Navy, it is presently authorized an annual appointment authority of approximately 160 per year. The committee was advised that the Navy has failed to fully utilize this appointment authority since it has averaged approximately 114 appointments each year in each of these two categories.

Consequently, the committee reduced this authorization to an annual figure of 85 appointments, and transferred the 75 appointments saved from each of these categories—a total of 150—to a new category called the qualified congressional alternate category.

The remaining sources as established by law for the academies will remain unchanged.

Mr. Chairman, I publicly want to thank and compliment the distinguished gentleman from Louisiana [Mr. HÉBERT] and his subcommittee for bringing in this logical, well thought out bill. It is a step that should have been taken many, many years ago and I am happy that the Committee on Armed Services, after most careful study and analysis of the Department's proposal, wrote this bill themselves. It is the proper way to make these appointments and it gives the Congress the major portion of the appointments, which is nothing but right and proper, because in that manner you get a complete cross-section of appointees from all over the Nation.

Mr. Chairman, I want this bill to be referred to and to be known as the Hébert bill, because he is the author of this bill.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HECHLER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7356) to amend title 10, United States Code, relating to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies, pursuant to House Resolution 442, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

DEPRIVATION OF RIGHTS OF ANY CITIZEN ON ACCOUNT OF RACE OR COLOR

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I am introducing today a new civil rights bill. I know that a number of bills in this area have previously been introduced in this session of Congress, and I would not add to their number unless I believed a new bill would be a contribution to the present congressional efforts in this field.

My bill is a comprehensive one. After an exhaustive study of all the bills introduced this year and in previous years and an analysis of cases and legal opinion, I have put together a bill that I

believe combines the best features of previous bills of both parties. In addition, the bill contains new material that will add significantly to the effectiveness and strength of the legislation.

It is hoped that passage of this bill will make unnecessary periodic and piecemeal consideration by Congress of remedial legislation in the field of civil rights.

A title-by-title analysis, together with a summary source reference, is reprinted below as a guide to the provisions of the bill.

TITLE I

The protection provided by the administration bill against discriminatory application of voting tests is here incorporated and strengthened. Its guarantees are broadened to cover all elections, Federal or State, rather than the former only. To insure the caliber of voting referees, their selection is to be made by the chief judge of a circuit rather than by the district-judge-dominated judicial conference, the impartiality of which in matters of race relations is often questionable. A 60-day time limit is prescribed for decisions on registration applications, in place of the administration's requirement that applications be "determined expeditiously"—which because of its imprecision, could be abused by unsympathetic judges.

Further, while particular discriminatory practices are curtailed, a general prohibition is also included against the use of any voting test or device which deprives a racial class of equal voting rights. The administration bill, by limiting itself to the regulation of existing abuses, would prompt southern legislatures to invent fresh and unregulated discriminatory practices; for example, the good moral character test. These budding methods of suffrage limitation are herein nipped; if any test, as applied, operates unequally upon a racial class, its use is forbidden.

Section 102, derived from a Republican bill, orders the Bureau of the Census to conduct an immediate State-by-State analysis of limitations upon voting rights. With these determinations, Congress could have the data with which to enforce the second section of the 14th amendment if it so desires.

TITLE II

The public accommodations title of the Kastenmeier bill follows closely the administration's bill. The title is broadened, however, to reach those businesses which are licensed by the State or which discriminate under the State's compulsion or sanction—section 202(a)(4). Thus the 14th amendment, as well as the commerce clause, is brought to bear on the problem. At the same time, Mrs. Murphy's boardinghouse is exempted from coverage by a new provision excluding any owner-occupied private home in which not more than five rooms are rented out to the public as lodging.

TITLE III

Under the provisions of title III the Attorney General is authorized to go to court in three situations.

First. He may sue for injunctive relief if any person or group of persons is being denied equal protection of the laws and if the victim or victims are unable to sue on their own initiative—this inability may take the form of insufficient finances or likelihood of economic reprisals. The initiative may be the Attorney General's own; he is not obliged to wait for a complaint.

Second. He may intervene in any private school segregation action. Unlike the President's bill, at section 307(a)(c), his right to intervene is not limited to those cases where the party who commenced the private action is unable to continue it.

Third. The Attorney General may seek an injunction in another class of cases carefully defined in the amended section 125(a). Essentially, these are situations where a party, unable himself to sue, is harassed under color of a State statute or custom because he has protested against unconstitutional racial segregation or other denials of equal protection.

Title III is appropriate for this title, for it lodges in the Attorney General much of the standing to sue which was recommended in the 1957 title III that ran aground in the Senate.

TITLE IV

Like the administration bill, the Kastenmeier bill provides grants and technical assistance to States to aid them in achieving school desegregation. The Commissioner of Education will have discretion over the purse strings. The list of purposes for which grants are authorized is enlarged so as to include the cost of employing additional schoolteachers, the cost of employing specialists to further orderly, peaceful desegregation, and other costs related to integration.

The Kastenmeier bill also requires every school board to submit a comprehensive desegregation program. This program must promise first-step compliance by next September 1964, and must contain a detailed timetable for the desegregation of the entire school district. The Attorney General may sue to compel the school board to prepare its plan. Once submitted, the plan becomes a local law in the school district, and the Attorney General may sue to secure its diligent implementation.

TITLE V

This title essentially duplicates the President's title IV, establishing a community relations service. This service would be called upon to mediate and improve communications between the Negro and white leaders of a troubled community.

TITLE VI

The Kastenmeier bill adopts the broadened powers of the Civil Rights Commission as contained in the administration bill, and in addition gives the Civil Rights Commission permanent status.

TITLE VII

Under this title a Commission on Equal Opportunity is established. This Commission is designed to be more than an FEPC; it is an independent agency operating in those economic areas where unfair discriminatory practices commonly occur. The title catalogs examples of unfair practices. Included are aspects of job discrimination both by an employer in hiring or firing and by labor unions. It is also an unfair practice to discriminate in making loans, mortgages, or insurance policies. Real estate brokers may not discriminate, and publicly assisted housing must be rented out without regard to color. Public accommodations must be open to all races—reinforcing title II; and economic sanctions must not be visited upon one exercising his right to vote—supplementing title I.

The concerns of the Commission thus spread over much of the national economy. The administration bill, by way of contrast, merely gives a statutory base to the present President's Committee on Equal Employment Opportunity, and that Committee has authority only over Government contracts and Federal personnel.

The Commission, under the Kastenmeier bill, is delegated ample powers of enforcement. A three-stage process is envisioned: Commission investigation as to whether the alleged unfair practice has been committed; conciliation by the Commission to end the practice; a cease-and-desist order issued by the Commission if conciliation fails. Either party would then have recourse to the court of appeals: the Commission for judicial enforcement of its order, the aggrieved party for judicial review.

TITLE VIII

The antilynching provisions of this title protect persons and their property from mob violence done on account of the victim's race or color, or done in the unlawful exercise of the power of punishment. No such title is present in the administration bill.

A lynching occurs within the meaning of this title when two or more persons act together to do violence to a person, or his property, first, because of his race or color; or, second, as vigilante action. The Federal Government has jurisdiction under the act when State authorities knowingly fail to use all possible means to prevent a lynching.

The bill punishes members of the lynch mob as well as local officials who knowingly fail to prevent the lynching. The local government is made liable to the victim or his next of kin for injuries suffered by the victim or for damage to his property.

The title also punishes lynching under the Lindbergh kidnap law if the victim is carried across State lines.

The section on official violence specifies what acts constitute unlawful police brutality and makes the local governmental subdivision liable for unlawful violence committed by members of its police force.

Such a section is necessary in order to revitalize section 242 of title 18, United States Code, which punishes deprivation of rights by local authorities. The Supreme Court in the Screws case found it necessary to restrict the application of the section greatly in order to avoid declaring it unconstitutionally vague. This proposed amendment, by specifying the offenses, gives the section a broad, effective, and precise meaning.

The political subdivision which employs officers who use coercive and brutal techniques in their police work can be sued under this title by the victim or his next of kin. The advantage of suing the local government is twofold: First, the local government can pay a judgment, whereas the police officer, who has little or no money, cannot pay; and, second, if the Government knows it is liable for police brutality, it will take administrative steps to eliminate such practices among its employees.

TITLE IX

The removal provisions of 28 U.S.C. 1443 are broadened, so that it is easier to remove a case from a State court to a U.S. district court, whenever it appears that strict impartiality is not possible in the State court. Moreover, if removal is refused by the Federal court, there is a right to appeal such refusal to a higher Federal court.

In addition, the usual legal and nonlegal disabilities that follow arrest and criminal record are removed, as far as Federal law and practice are concerned, in the case of arrest or prosecution because of participation in peaceful demonstrations, sit-ins, or other civil rights activities.

TITLE X

The principle expressed in title X is that the Federal Government should not subsidize discrimination. Thus no funds are to be provided under any circumstances for a program which discriminates in making available its services or facilities. The administration bill stops short, stating only that the Executive has authority to withhold funds if he so chooses; this probably declares existing law, and thus is unnecessary as well as insufficient.

OUR FOREIGN POLICY

Mr. LAIRD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include eight editorials from the Wausau Daily Record-Herald on our foreign policy.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LAIRD. Mr. Speaker, the Wausau Daily Record-Herald in my district recently published a series of eight thoughtful and thought-provoking editorials on the foreign policy of the United States. In the first editorial, a question was raised about the propriety of newspapers and individual citizens speaking out on this crucial and often controversial subject. I agree with the conclusion of the editors that "all of us have an obligation to speak out in such a way that we may help our Nation carry out its role of free world leader."

In this country, Mr. Speaker, all great issues are or should be ultimately resolved through the conduct of a dialog between the policymakers, on the one hand, and the people. The people normally function in this interplay through their elected representatives and through the news media.

It is a function of the press of this country in its editorial pages to comment responsibly on the great issues that confront the United States. The Wausau Daily Record-Herald, in my opinion, has contributed significantly to the continuing dialog on the foreign policy of this country.

Under unanimous consent, I include the editorials which appeared in the Wausau Daily Record-Herald entitled "Our Foreign Policy"—1 through 8—in the RECORD at this point.

The editorials referred to follow:

[From Wausau Daily Record-Herald, June 3, 1963]

OUR FOREIGN POLICY—I

Today as we begin a brief series of editorials on U.S. foreign policy, much of our comment to be based upon a talk given April 20 before the American Society of Newspaper Editors by former Vice President Richard M. Nixon. We do so because Mr. Nixon, in a nonpartisan manner, expresses our feeling about foreign policy and foreign aid better than we have seen it expressed at any time in a single brief statement.

Mr. Nixon acknowledges in his opening remarks that he could have a field day in a partisan-type attack, but that he was speaking as an individual citizen without regard to the effect on any individual or party. Since he had 16 years as candidate, party leader and administration official, he has the background to make a useful contribution.

Today we answer two preliminary questions: Should Mr. Nixon, the Record-Herald and you, the citizen, speak out on foreign policy? Should the administration place great stress on prestige polls conducted abroad?

President Kennedy answered the first very well on September 20, 1960, when he said: "Some people say it is wrong to say we could be stronger. It is dangerous to say we could be more secure. But in times such as this I say it is wrong and dangerous for any American to keep silent about our future if he is not satisfied with what is being done to preserve that future."

We feel certain that President Kennedy feels the same way that Candidate Kennedy did in 1960.

With regard to the second question concerning foreign polls, we agree 100 percent with Mr. Nixon when he says: "We should always have a concern for the sensitivities and opinions of our friends in other nations: But, as the strongest nation in the world, it is our responsibility to lead, not follow, the forces of freedom. Our policies should never be compromised to the level that only the weak and timid may approve."

Thus, with regard to foreign policy, all of us have an obligation to speak out in such a way that we may help our Nation carry out its role of free world leader.

[From the Wausau Daily Record-Herald, June 4, 1963]

OUR FOREIGN POLICY—II

Can the administration be accused of trying to appease Russia? Of course not, because the word connotes intent and the fact that decisions were made to resume atomic tests, to defend Vietnam, and to impose the Cuban blockade, all indicate no intent to appease.

Likewise, the President's speeches on Laos, Cuba, and Berlin deserve applause, but while the words are not subject to question, the deeds with regard to these crisis points must be.

We agree with former Vice President Richard Nixon when he said on April 20 that, as a result of our deeds, the Atlantic Alliance is in disarray, Cuba is western Russia and the rest of Latin America is in deadly peril.

"It is dangerous nonsense to attempt to gloss over these problems by pointing out that there are also troubles in the Soviet camp."

All evidence indicates Russia and Red China are having their differences, but with Mr. Nixon "we cannot take too much comfort in the fact that what they are debating about is not how to beat each other but how to beat us."

Thus, while communism has its troubles, it is on the move, stressing offense, not defense. And how is the Kennedy administration meeting this threat? With a policy of containment, a defensive posture, expressed in the President's words of January 25: "The West has the power to hold back the expansion of communism until the time it loses its force and momentum."

Thus, our policy is a defensive, waiting game, in which we expect the Communists to run out of gas. Here we must disagree with the policy of the administration.

Freedom is a positive thing and we must adopt a strategy of victory for freedom to meet the strategy of victory for communism. This sort of talk isn't fashionable these days in some quarters, of course. Because of nuclear weapons we are supposed to quake in our boots and forget about an offensive for freedom, but can we afford to?

We believe, with Mr. Nixon, that there is a responsible strategy which will avoid both war and surrender. A good offense can be the best defense. Let's put freedom on the march.

[From the Wausau Daily Record-Herald, June 5, 1963]

OUR FOREIGN POLICY—III

As indicated Tuesday, what the U.S.A. needs is a victory of strategy, based on responsible policies which will avoid both war and surrender.

With former Vice President Richard Nixon we believe that an offensive for victory requires positive action in three critical areas, the first of which is the reassembling and strengthening of the Atlantic Alliance.

We have at present a crisis of confidence. It serves no good purpose to rehash whether this is due to our new emphasis on conventional weapons, cancellation of Skybolt, opposition to France's nuclear force, withdrawal of Jupiter bases in Italy and Turkey, indecision at Berlin, or nuclear test ban negotiations.

To restore confidence, the United States must take the lead in expanding NATO from a pure military alliance to a political confederation, with the primary objective of developing a unified and total defense strategy for both the United States and our European allies.

"An American pledge to respond to a European formula for nuclear cooperation within a unified Europe and within the NATO framework could lead at least to an enduring solution of our greatest problems involving our alliance friends," says Mr. Nixon.

While this is true, it will be difficult to accomplish, as all of us share a fear involved in sharing of nuclear weapons. But the choice is between risk of nuclear sharing with our allies or nuclear destruction from our enemies, between nuclear unity in the West or nuclear anarchy.

The hour of decision nears and the issue grows more critical. The free world must present a unified front in a positive program aimed at some day freeing all mankind from the scourge of totalitarianism. A confederation of free nations is the essential step in the strategy for victory over the dictatorship of communism. The NATO concept must be expanded.

[From the Wausau Daily Record-Herald, June 6, 1963]

OUR FOREIGN POLICY—IV

A second element essential to a U.S. victory of strategy is a change in foreign aid aimed at more effective assistance for the struggling free nations of Asia, Africa, and Latin America threatened by Communist subversion.

Like most Americans, we agree that our foreign aid program has been both necessary and beneficial. Like many Americans, we also believe that there has been shocking waste. But even regardless of the waste, the time has come for a full reappraisal of the program.

In the first place, there is a definite need for easing the load on the U.S. taxpayer. The recent recommendations of the Clay Committee represent the minimum that the administration and Congress should do to eliminate waste and to bring the program in line with present foreign policy needs. However, with Mr. Nixon we believe that the program must not be abolished or emasculated to the extent that the President loses an essential tool for the job of world peace.

In three areas, however, the program should be substantially altered.

First, we must promptly suspend all aid to nations not committed to the side of freedom. If we do not, we are doing irreparable harm to our own good cause.

Second, economic assistance should only be used to actually strengthen the economy and political stability of the nation given aid. Under no circumstances can we justify aid which is to be used for socializing or nationalizing a basic industry, such as a government steel mill in India. India has the right to operate a government mill, but no U.S. administration has the right to ask the U.S. taxpayer to finance such an experiment.

Third, reappraisal is needed in the field of population control. This issue has been out in open debate for 3 years now, ever since the Draper committee report, and only recently the National Academy of Sciences proposed that the United States take the lead. The point is that the billions of dollars we spend in foreign aid are not improving the lot of the people in underdeveloped countries, simply because population growth outruns growth in economy. Religious traditions must be considered, of course.

This is how foreign aid should be altered.

[From the Wausau Daily Record-Herald, June 7, 1963]

OUR FOREIGN POLICY—V

A third and very important major element of America's victory strategy must be the development of a program to extend freedom.

The need for this element is well illustrated by what has happened in Cuba in the past few years. Without second-guessing the Bay of Pigs disaster, Americans should look at the Cuban venture objectively and attempt to see how it fits into the Communists' strategy for world conquest and attempts to calculate how American policy should be geared to deal with that strategy.

Did Khrushchev spend a billion dollars in Cuba just to take over an island nation with its 5 million people? Of course not. The Cuban venture was a prelude to moving into Venezuela, Brazil or other more important targets. If we do not accept this fact, we are not facing up to the Russian grand strategy of world domination.

Now then, what object lesson can the rest of Latin America learn by observing Cuba? From Cuba they learn (a) that communism will supply total aid for its satellite friends and (b) that freedom-loving exiles who hope to retake their native lands are placed on a leash and given little support by the United States.

Or as former Vice President Nixon states it: "The moral is clear: Go Communist and get aid; fight for freedom and go it alone."

The only answer is to no longer postpone making a decision to do what is necessary to force the removal of the Soviet beachhead. We cannot tolerate a subversive base 90 miles from our shore.

There are risks involved in such a decision, of course. But those risks will only grow with each passing month.

Says Mr. Nixon: "I am convinced that the risks of inaction are far greater than the risks of action."

We agree.

[From the Wausau Daily Record-Herald, June 8, 1963]

OUR FOREIGN POLICY—VI

A second rationalization which the administration uses for our do-nothing policy about Cuba is that we should not act now because time is on our side and the tide is turning our way.

Those who take this position point to economic chaos in Red China, a power struggle in the Communist world, an economic boom in West Europe, the superiority of U.S. missiles, etc. From this they quickly assume that the Communists are satisfied with the status quo and are willing to meet us halfway to maintain it. If we push too hard, we will weaken Khrushchev in his struggle with hard-line Communists, these people reason.

Comments former Vice President Richard Nixon: "The result of this strategy in Cuba has been that after seizing the offensive in the struggle with world communism last October, we then proceeded to pull defeat out of the jaws of victory."

The Cuban example illustrates our basic misunderstanding of communism. Yes, Communists are concerned about their split, but it has not altered in the least their No. 1 objective—world conquest. Therefore, any U.S. policy aimed at stabilizing the status quo is doomed to failure.

"For the Communist, the status quo is just a launching pad for their next conquest," comments Mr. Nixon.

He adds: "To put it bluntly, Mr. Khrushchev will not treat us gently because we treat him gently, but only when and because he respects our power to deal firmly with him. I believe that a continued policy of going easy on Khrushchev in Cuba rather than convincing him that he should go easy on us elsewhere is likely to have exactly the opposite effect. We must never attempt to judge his motives by our own standards."

This is today's point. We cannot be satisfied with the status quo because we must recognize the fact that the Communists are not. The only solution is a strategy of victory for freedom.

[From the Wausau Daily Record-Herald, June 10, 1963]

OUR FOREIGN POLICY—VII

What the United States needs now is a Monroe Doctrine based not solely on the traditional concepts of conquest, but also on the modern methods of indirect, internal, and subversive action.

Former Vice President Nixon suggests these two points:

"1. When any free nation in the Western Hemisphere is internally threatened by forces under the control of international communism or any other foreign power, the policy of the U.S. Government should be to openly support the forces of freedom; and

"2. When any force is organized for the purpose of overthrowing a foreign-controlled government in this hemisphere, it should be the policy of the U.S. Government to openly support the forces of freedom inside and outside of that country."

Actually, President Kennedy has endorsed such concepts in principle, but he has shown reluctance to implement them on the grounds that they might increase the risk of war.

The important point here is that by announcing and enforcing this freedom doctrine for the Americas, as Mr. Nixon calls it, we will reduce the chance of Khrushchev's miscalculating our will to resist. This is the way to prevent another serious crisis similar to the one of last October.

What difference does it make today whether Cuba was taken by a Soviet invasion or through Castro, a tool of the Communist Party? That island country is sealed just as tightly behind the Iron Curtain today as a result of the Castro revolution as it would have been if Russian soldiers and tanks had been used to accomplish the same goal.

With Mr. Nixon we believe that the time has come for America to frankly recognize the problem of Communist takeover by revolution and to deal with it openly and directly. A freedom doctrine for the Americas is essential today.

[From the Wausau Daily Record-Herald, June 11, 1963]

OUR FOREIGN POLICY—VIII

A final factor, perhaps the most important of all, is needed in our foreign policy approach. The one word which best summarizes this need is "spirit."

As a result of 14 years of contacts with representatives of the Communist movement, former Vice President Richard Nixon is convinced that communism's big sales appeal is not its military power, its economic productivity, or its materialistic philosophy, but rather the "spirit of those who become infected with the Marxist virus."

"Call it drive, dedication, will to win, anything you like," says Mr. Nixon, "Communist leaders have a conviction that they should win and that they will win. No risks, no defeats seem to discourage or weaken that will and it is this spirit that they pound into their people."

Mr. Nixon tells of seeing hundreds of Soviet billboards with the slogan, "Work for the victory of communism." People in other countries are naturally attracted to such a message because they want to be on the winning side. Simply through conviction and repetition the Communists convince them that theirs is the winning side.

Would it be wrong for us to emulate this spirit? Of course not. "This vital dynamic drive has been characteristic of all great revolutionary movements, including our own," says Mr. Nixon.

We are not devoid of this spirit, of course. But too many Americans seem to think that we are running out of steam, that our goal should be to hold our own, to not take risks, to welcome neutralism in other countries.

Dr. Charles Malik expressed it well in one sentence: "Those who keep insisting that their civilization is not for export—only their industrial products—are digging the grave of their civilization and way of life."

Our leaders must encourage our people to be inspired by this great challenge. We have the opportunity to make all the world's men free. What a glorious and exciting goal to seek.

PURCHASE OF ATTITUDE INDICATORS FOR MILITARY AIRCRAFT

Mr. WILSON of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WILSON of Indiana. Mr. Speaker, the Army has canceled another

proposed sole-source—noncompetitive—purchase of attitude indicators for military aircraft as a result of my inquiry. This time an additional $55,000 has been saved, but that is not the big story.

The big news is that the Army is currently having the whole matter of procurement of items such as the attitude indicators intensively reviewed in order to avert unnecessary procurement of these and other equipments by the Government.

The latest attitude indicator is called the ID–1000/ASN. You might remember the ID–999/ASN attitude indicator, which was also a planned sole-source buy and was canceled. In that procurement the Government was saved $338,000 by the cancellation, and my inquiries uncovered over 12,000 of the almost obsolete equipment on hand. That procurement is still being investigated.

Shortly after the ID–999 attitude indicator investigation, the Army Electronics Materiel Command issued another invitation for bid, this one for 69 of what is known as the ID–1000/ASN attitude indicator. The Army planned to spend at least $50,000, or $724 each, for the items and said it did not have any plans or drawings to allow competitive bidding.

This procurement document was issued May 25, 1963. Three days later I asked the Army to supply me with copies of past contracts and the determination and findings which justified the single-source purchase. As in the past, I wanted to see just how much of the unavailable material was, indeed, available.

On June 8 the entire procurement was canceled, just as the ID–999/ASN procurement was canceled. In a letter to me dated July 17, 1963, Maj. Gen. Stuart Hoff, commanding officer of the U.S. Army Electronics Command, gave this reason for the cancellation, and I quote from the letter:

> Your inquiry into a previous solicitation dealing with the attitude indicator ID–999 concentrated our attention on a group of items, including the ID–1000, which had been incorrectly identified as new logistics responsibilities of the Electronic Command. These and other items are being intensively reviewed to fix their logistic responsibility and thereby avert unnecessary procurement by the Government.

Major General Hoff concludes:

> Mindful of this goal and guided by your inquiries, all procurement actions on both the ID–999 and the ID–1000 have been canceled.

Mr. Speaker, I am happy to have assisted the Army in uncovering this logistic boo-boo and hope the savings from the disclosures I have made may multiply many times. While congratulating General Hoff on his frank admission of an error in his command, I can only shake my head and wonder how many billions must go down the sewer each year because of such bureaucratic inefficiency.

A BILL TO BRING JUSTICE TO "RETREADS"

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, I am today introducing, for appropriate reference, a bill to confer jurisdiction on U.S. district courts to hear and render judgment on certain claims. This is a bill the enactment of which into law would take a long overdue step toward the correction of an injustice still suffered by a deserving though relatively small group of retired members of our uniformed services. If enacted into law it would not, of itself, erase the inequity, but it would open a door, now closed, to the restoration of justice to this group. It is unfortunately too late to extend this benefit to all of those who were affected. Many of them have, due to the passage of time and the toll of age, gone on to a higher reward.

The legislation would compensate officers for the differences between the retired pay provided under the Pay Readjustment Act of 1942, and that actually received by them since retirement under the provisions of the Retirement Equalization Act of 1948. The Pay Readjustment Act of 1942 provided for retirement pay of 75 percent of rank and period of service for officers who served in World War I. Officers of the regular service have been receiving retirement pay on that basis since the passage of the act. Comparable retired officers of the Reserve components receive compensation based on length and type of service but in a lesser amount.

The group to which I refer constitutes that cadre of officers of the Second World War who served in World War I, who retained in Reserve status their competence and availability during the long 23-year period between wars, and who proved ready, willing, and able to provide urgently needed military leadership when their country again called them to active duty in World War II. They are the group called, among themselves, "Retreads." They helped provide the limited reserve of trained leadership available to us when that great struggle began. In the long period of neglect of our fighting forces between those wars the Regular Army officer corps was down to less than 14,000 in number. A major effort of our Government was to bring back into service as many as possible of the World War I men. Their experience was urgently needed.

The 77th Congress, seeking to strengthen the mounting war effort, sought also to bring back to active duty that trained pool of World War I experience. By June of 1942, when the Pay Readjustment Act of 1942 was enacted into law, about 122,000 Reserve officers were on active duty. In the bill which became law on June 16, 1942, the Congress sought to make more nearly adequate the long neglected area of military pay, and to erase discriminatory distinctions between the Regular and Reserve components of the services. It is to this latter objective that I direct your attention.

In the 1942 Act, mileage allowances, subsistence, pay, and all other areas of pay and allowances were thoughtfully screened, and Regulars and Reserves painstakingly equated in pay, benefits and privileges. Among the provisions so equated, paragraph 4 of section 15 of the act, the only portion of the act still in effect, reads as follows:

> The retired pay of any officer of any of the services mentioned in the title of this Act who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, hereafter retired under any provision of law, shall, unless such officer is entitled to retired pay of a higher grade, be 75 per centum of his active duty pay at the time of his retirement.

Originally proposed by the Navy to apply to its Regular and Reserve retirees under the two 1938 naval retirement acts, it was deliberately expanded by the conference, and by the Congress, to apply to "any officer of any of the services mentioned in the title of this act." Those services were the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service. It would seem virtually impossible to misunderstand or misconstrue the meaning of the provision or the intent of Congress. Nonetheless, it has been misconstrued by the Court of Claims, not once but three times, by introducing before the word "officer" the extraneous word "Regular." In other words, the Court has by judicial flat, amended a law of Congress.

If the terminology used, that of "any officer of any of the services," refers only to Regulars, as the decisions contend, then the whole 1942 Pay Readjustment Act becomes invalid, for it used the same terminology in providing for the pay and allowances of all the services. As pointed out by the sponsor of the act and the conference committee members, it is a long stretch of the imagination to assume that Congress, in using such a term, was referring to some 14,000 Regulars, and purposely excluding from the pay, allowances and other provisions of the act the more than 122,000 Reserve component officers then on active duty. The proposition is preposterous.

It is my purpose in submitting this bill to open the door to a review of these clearly erroneous decisions. To assert, as those decisions do, that in a year of intensifying war effort the Congress would deliberately discriminate against Reserve component officers who constituted the vast majority of its military leadership, is a reflection on the patriotism and good sense of the 77th Congress, and an insult to the intelligence of this 88th Congress.

Obviously, the inequity produced by this series of decisions calls for correction. My bill is designed to take the first step in such correction. I propose that the Congress will simply provide a legal forum in the district courts where members of this deserving and rapidly dwindling group of our Nation's defenders in two World Wars may have their claims heard, determined and a judgment rendered. I propose that this be done in courts in their own areas, near their homes, thus avoiding the costs, the delays, and the crowded condition of the

Court of Claims, a condition of which the chief judge of that court has himself but recently complained to the Judiciary Committee of this House.

A careful survey shows there appears to be about 3,500 surviving officers who meet the terms of the 1942 act and of existing retirement laws. Their ages average a little over 70 years. Many of these men gave up a school or college career to fight in the First World War. They maintained an active interest in the armed services in that long dry spell between wars. They gave up careers, businesses, professions, and some never regained them when the shooting was over, in order to serve again in World War II.

While cost has no part in a matter of justice, it is obvious that the small number of these survivors, their advanced ages, and the passage of time, have reduced the eligibles to a very small number. Moreover, the proposed legislation will not automatically provide any benefits, but will merely give those so minded, and especially those most in need, a forum in which to present their cases. Of one thing I am certain—this Congress is the last occasion upon which we will have the opportunity to render to many of these men the justice long overdue them.

TO BECOME AMERICAN

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, through the press and radio-television media we read and hear a great deal about becoming Americans, being good Americans, not being "ugly" Americans, and upholding American traditions and ideals. Of course, we all want to be loyal Americans and in becoming such we manifest our intentions and desires in various ways. Sometimes we become so involved in our individual ways of proving that we are good Americans that we become skeptical and unsympathetic to those who may follow different paths in showing their loyalty and devotion.

In the July 8, 1963, issue of the San Juan (P.R.) Star, Miss Ursula Von Eckardt, a news columnist, comments on encouraging citizens to demonstrate their loyalties through flag waving as being a ritual that may enhance a sense of belonging and promote an image, but it may be less significant to the character of the United States of America than similar rituals in nations with a different history. Miss Von Eckardt contends there is more to becoming an American than flag waving. She writes:

To become an American is to join the debate. It is to be involved, to have an opinion, to join a cause, and to wage a campaign. It is to insist on being an individual, on living by consent and by commitment.

Mr. Speaker, I bring to the attention of our colleagues Miss Von Eckardt's thought-provoking column which I urge each to consult when preparing his next patriotic address.

The column follows:

TO BECOME AMERICAN

(By Ursula von Eckardt)

Well-meant exhortations have appeared in the "Letters" column of the Star encouraging citizens to demonstrate their Americanism by celebrating Independence Day and by literally waving the flag. Such rituals may enhance a sense of belonging and promote an image, but they are less significant to the character of the United States than similar rituals in nations with a different history.

One of the most difficult yet gratifying aspects of sharing an American identity is the realization that this identification demands participation in a process rather than the profession of a fixed dogma or a display of fixed mores.

It has been said that one can be a Hindu, or a Mohammedan, or a Jew, but one can only become a Christian. In the same sense, one cannot be, one can only become an American.

Everyone, of the 1st or of the 15th generation on this continent or island, brought a heritage with him, a heritage he has had to be willing to modify, but has never been asked to abandon.

The American identity is hyphenated: one is a Swedish-American, an Italian-American, a Spanish-American, or a German-American. All are equally American, yet each has been entrusted to bring something with him, the gift of his past, as a contribution to building a new and common future.

I am baffled when I hear others oppose the terms "American" and "Puerto Rican." To deny one's own heritage in the name of America is to deny the validity of the great experiment itself, the experiment of building a nation of refugees.

All those who came freely, sought refuge from hunger, from persecution, or from a sterile and stratified society. Some who sought freedom found new forms of oppression. Many who prospered neglected to grant others the benefits and liberties they demanded for themselves.

America, as Dr. Morales Carrion explained so clearly, is the constant flux, the constant becoming in which yesterday's oppressed become tomorrow's liberated.

Dr. Martin Luther King, Gov. George Wallace, Senator AIKEN'S mythical Mrs. Murphy—whose right to discriminate in her private judgment is as American as the right of her neighbor not to be discriminated against unjustly—are all equally able to cite laws, documents, principles, and traditions, each to defend his own position.

But in the process which is American democracy (and who dares say that this has been tame and timid without occasional upheaval and violence? The tree of liberty, said Thomas Jefferson, does not grow unless it is watered regularly by the blood of patriots) the great debate never stops: each day sees new quarrels and new compromises.

"As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed," said James Madison. These differences of opinion, nourished by a vast variety of self-interests, clash against each other continuously. When factions are dead, when laws and attitudes become final and irrevocable, then the flame of liberty is extinguished and America itself is dead.

To become an American is to join the debate. It is to be involved, to have an opinion, to join a cause, and to wage a campaign. It is to insist on being an individual, on living by consent and by commitment.

"Despair," said James Baldwin, "is man's greatest sin." Perhaps. It is surely the one and only anti-American sentiment.

Despair is always a resistance to change; a desperate clinging even to an unhappy past; a rejection of the commitment to a self-determining future. Despair is refusal to experiment, the demand for the tried and true. Despair is to see the traditions, customs, and laws of the American past as a welcome straitjacket and a blessed source of labels.

To become an American is to will to create the future, and therefore to take responsibility for it and to trust in it; to be free to let go of the past.

LOGAN (W. VA.) HIGH SCHOOL CLASS PROPOSES DIPLOMATIC ACADEMY

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, the members of the 1963 summer class in American history at Logan High School in Logan, W. Va., have written to me a well-reasoned letter with a proposal which I believe deserves the consideration of Congress.

Under unanimous consent, I include the text of the letter in the RECORD:

DEAR CONGRESSMAN: We have a proposal and without wasting any more of your time, here it is.

We propose that the Federal Government build a college comparable to West Point of the Naval or Air Force Academies for the special training of our diplomatic corps. A young man or young women who desires to make a career out of being a diplomat would spend 4 years at the school and graduate with a bachelor of arts degree in foreign relations or international law or global economics. Then for postgraduate work, the student would specialize in the language and customs of some special country. This would lead finally to a master's degree in Japan or Russia, or some other foreign country. Even Ambassadors and other high-ranking diplomats who are political appointees would be required to spend 6 months to a year in special study of the country to which they have been appointed before finally leaving for a tour of duty. A speaking knowledge of the language of the country to which they have been appointed should be required of all diplomats to all posts both great and small. This could be learned at this special school.

We are an American history class and our study under the direction of our teacher, Mr. Charles Harris, has led us to believe that our diplomats are often poorly and haphazardly prepared for their work. We believe that the Peace Corps has demonstrated how important it is to send abroad men and women who are interested in the language and customs of the countries they help. Also we believe that Russia has often outmaneuvered us in other countries because their diplomats were better prepared for the job than ours were.

We believe no less than a first class diplomatic college could properly train our future representatives.

Our class feels very strongly about this situation, and we hope to get your interest

and support in what we consider a vital problem.

Yours truly,

James L. Steele, Jo Ann Ferguson, James I. Carnes, James M. Dress, Helen Callaham, Billy L. Walsh, Brenda Darby, Roger G. Mullins, Jeanne Miller, Wallace Thompson, Nadine Cline, Charles E. Adams, Larry Scalf, Brad Johnson, Chi Chi Cox, Joseph A. Coppola, Mary Coleman, Harvey H. Brodersen, Wilburn C. Hoskins, Charles Edward Cook, Frederick John Bryant, William E. Perry, Dean Douglas, John D. Hall, Ronnie McNealy, Paul W. Fortune, Freda McCoy, Darlene Miller, Ronald Cross, Phyllis C. Huff, James Preston Maynard, members of the 1963 summer class in American history at Logan High School, Logan, W. Va.

SECTION-BY-SECTION ANALYSIS OF ADMINISTRATION'S IMMIGRATION BILL

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, with reference to the administration's immigration bill, and since there will be widespread interest in its provisions, it is my opinion that it will prove most helpful to the Members to have in the RECORD at this point a section-by-section analysis of the bill.

Therefore, Mr. Speaker, I ask unanimous consent to place in the RECORD that analysis at this point.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SECTION-BY-SECTION ANALYSIS OF ADMINISTRATION'S IMMIGRATION BILL

Section 1 abolishes gradually the national origins system by reducing present immigration quotas by one-fifth of their present number each year for 5 years. As numbers are released from national origins quotas, they are added to the quota reserve pool. In the first year, 20 percent (roughly 32,800 quota numbers) are released to the pool; in the second year, the pool will have 40 percent of present quotas (or 65,600 numbers); until, in the fifth year, all numbers are allocated through the pool. To provide some immediate relief to minimum quota areas, the present minimum quota of 100 is raised to 200, but is then reduced in the same manner as other quotas.

Section 2 establishes the quota reserve pool under which all numbers will be allocated by the fifth year. In each of the 5 years constituting the period of transition, the pool will consist of (1) the numbers released from national origins quotas each year, and (2) numbers assigned to the present quotas but unused during the previous year because insufficient demand for them existed in the assigned quota area.

These quota numbers will be issued in the order specified in amended section 203 of the Immigration and Nationality Act. That is, first call on the first 50 percent is given to persons whose admission, by virtue of their exceptional skill, training, or education, would be especially advantageous to the United States; first call on the next 30 percent, plus any part of the first 50 percent not issued to the skilled specialists, is given to unmarried sons and daughters of U.S. citizens, not eligible for nonquota status because they are over 21 years of age; first call on the remaining 20 percent, plus any part of the first 80 percent not taken by the first two classes, is given to spouses and children of aliens lawfully admitted for permanent residence; and any portion remaining is issued to other applicants, with percentage preferences to other relatives of U.S. citizens and resident aliens, and then to certain classes of workers. Within each class, visas are issued in the order in which applied for: first come, first served, throughout the world.

To prevent disproportionate benefits to the nationals of any single country, a maximum of 10 percent of the total authorized quota is set on number of immigrants from any quota area. However, this limitation is not applied if to do so would result in reducing any quota at a more rapid rate than that provided by section 1. Ultimately, after 5 years, the limitation applies to all.

Exceptions to the principle of allocating visas on the basis of time of registration within preference classes are provided to deal with specific problems. Thus, the bill allows the President, after consultation with the Immigration Board (established by sec. 16), to reserve up to 50 percent of the total quota for allocation to qualified immigrants who could obtain visas under the present system but not under the new bill and whose admission would further the national security interest in maintaining close ties with their countries. The President is also given authority to grant visas to such immigrants without regard to the 10-percent limit on the number of immigrants from any country.

The President may also disregard priority of registration within preference classes for the benefit of refugees.

Finally, it is provided that if the President reserves, against contingencies, any numbers during the year, but does not then find them needed for the named purposes, they are to be issued as if not reserved. Similarly, the 10-percent limitation on the number of visas to be issued to any quota area is removed where other persons would not be foreclosed from entry by its removal.

Section 3 amends section 201(c) of the Immigration and Nationality Act, which presently limits the number of visas issued in any single month to 10 percent of the total issued each year. The amendment allows the issuance each month of the 10 percent authorized for that month plus any visas authorized but not issued in previous months.

Section 4 amends section 202 of the Immigration and Nationality Act to eliminate the so-called Asia-Pacific triangle provisions, which require persons of Asian stock to be attributed to quota areas not by their place of birth, but according to their racial ancestry.

Another amendment to section 202 raises the minimum allotment to colonial subquotas of dependent countries, thus preserving their present equality with independent minimum-quota areas.

Section 5 repeals section 207 of the Immigration and Nationality Act, which prevents the issuance of visas in lieu of those issued but not actually used, or later found to be improperly issued.

Substituted for section 207 is a specific command that nonquota immigrants shall not preempt visas which would otherwise be issued to quota immigrants.

Section 6 amends section 101(a)(27)(A) of the Immigration and Nationality Act, which grants nonquota status to spouses and children of U.S. citizens, to extend nonquota status to parents of U.S. citizens as well.

Section 7 amends section 101(a)(27)(C) of the Immigration and Nationality Act to extend nonquota status to all natives of independent Western Hemisphere countries.

Section 8 amends section 203(a) of the Immigration and Nationality Act, which establishes preferences for immigrants with special skills and relatives of U.S. citizens and resident aliens.

Subsection (a) relaxes the test for the first preference accorded to persons of high education, technical training, specialized experience, or exceptional ability. Under present law, such persons are granted preferred status only if their services are needed urgently in the United States. The amendment allows their admission if their services would be especially advantageous to the United States.

Subsection (b) eliminates the second preference for parents of American citizens, now accorded nonquota status by section 6.

Subsection (c) grants a fourth preference, up to 50 percent of numbers not issued to the first three preferences, to parents of aliens lawfully admitted for permanent residence. It also grants a subsidiary preference to qualified quota immigrants capable of filling particular labor shortages in the United States. Under present law, if an immigrant does not meet the standards of the skilled specialist category, he is not preferred to any other immigrant even though he may answer a definite need in the United States which the other immigrant does not. The amendment allows to persons filling such a definite need a preference of 50 percent of visas remaining after all family preferences have been satisfied or exhausted.

Section 9 amends section 204 of the Immigration and Nationality Act, which establishes the procedure for determining eligibility for preferred status under section 203.

Paragraphs (1), (2), and (3) provide for the filing of petitions, on behalf of the workers granted preference by section 8, by the persons who will employ them to fill the special needs. Paragraph (1) provides for approval of these petitions by the Attorney General, and paragraph (2) requires that he consult with the Immigration Board and interested departments of Government before granting preference to these workers with lesser skills.

Paragraph (4) allows the Attorney General to grant preferred status to highly skilled immigrants upon affidavit of the immigrant, supported by such other documentary evidence as the Attorney General shall prescribe. The Attorney General is directed to ascertain from the Immigration Board (which consults with the Secretary of Labor and studies such problems with specific reference to immigrants) that employment opportunities exist in the immigrant's special field.

Section 10 amends section 205(b) of the Immigration and Nationality Act, providing for petitions to establish the right to preferred status as a relative of a U.S. citizen or lawfully resident alien, to conform to the substantive changes made by section 8.

Section 11 amends the fair share refugee law (Public Law 86-648). Presently, that law allows the entry only of refugees within the mandate of the United Nations High Commissioner for Refugees. The provision relating to the United Nations mandate is stricken out.

In addition, subsection (b) repeals the fair-share law's special provision for 500 difficult to resettle refugees; these have all been settled and the authority is now unnecessary.

Section 12 amends the definition of refugee applicable in the administration of Public Law 86-648 to allow the admission of refugees from north Africa generally, and Algeria particularly, who are unable to return to their countries because of their race, religion, or political opinions.

Section 13 grants discretionary authority to the Secretary of State to specify the time and manner of payment of the fees for visa applications and issuances set by section 281 of the Immigration and Nationality Act.

Section 281 is further amended to equalize the visa fees paid by all immigrants; at present, nonquota or preference applicants must pay $10 more than persons not entitled to priority.

Section 14 would allow the Secretary of State to terminate the registrations of immigrants who had previously declined a visa.

Section 15 amends subsections (a)(4) and (g) of section 212 of the Immigration and Nationality Act to allow the entry of certain mentally afflicted persons.

The amendment gives the Attorney General discretionary authority to admit such persons who are the spouses, children, or parents of citizens, resident aliens, or holders of immigrant visas. The Attorney General, after consultation with the Surgeon General of the U.S. Public Health Service, would prescribe the controls and conditions on entry, such as the giving of a bond to insure continued family support, as would be appropriate in each case.

The exclusion of epileptics is removed entirely.

Section 16 establishes the Immigration Board. The Board is composed of seven members. Two are appointed by the Speaker of the House, two by the President of the Senate, and three, including the Chairman, by the President. Members not otherwise in Government service are paid on a per diem basis for actual time spent in the work of the Board.

The Board's duties are to study, and consult with, appropriate Government departments on all facets of immigration policy; to recommend to the President whether to reserve quota numbers in the national interest under section 2; and to recommend to the Attorney General criteria for admission under the occupational preferences of section 8.

Section 17 grants consular officers discretionary authority to require bonds insuring that certain nonimmigrants will depart voluntarily from the United States when required.

A TRIBUTE TO THE HONORABLE ABRAHAM J. MULTER

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILBERT. Mr. Speaker, on June 13, 1963, our distinguished colleague, the gentleman from New York [Mr. MULTER], was honored by the award of a degree of doctor of laws by Yeshiva University at its 32d annual commencement exercises.

His presentation to the president of the university, Dr. Samuel Belkin, was enhanced by the beautiful tribute paid to him by Dr. Joseph Lookstein.

I commend it to the attention of our colleagues. It reads as follows:

Mr. President, Thomas Jefferson once extolled the study of the law in these words: "It qualifies a man to be useful to himself, to his neighbors, and to the public."

Congressman ABRAHAM J. MULTER exemplifies admirably this Jeffersonian doctrine. The law can be a profession. It may be, to borrow a Talmudic metaphor, "a spade to dig with." It can become a ladder leading toward the gratification of personal ambitions.

Such unworthy attitudes justify the observation of Lord Halifax that "if the laws could speak for themselves, they would complain of lawyers in the first place." No such complaint can be registered against the eminent Congressman from Brooklyn who is now completing his ninth term as an outstanding Member of the House of Representatives. For him, the law was an instrument of service, a vehicle for personal fulfillment, and a medium for the achievement of public welfare.

His record from his earliest youth will amply support this appraisal of the man and his work. He obtained his general and legal education the hard way—working by day and studying at night. After admission to the bar he labored, as all must, to establish a rewarding career.

But there was always time for the individual in need of guidance and the community in search of leadership. These qualities won him wide esteem in county, country, and even in Israel, the ancestral homeland of the Jewish people.

In the House of Representatives he was an articulate spokesman for every form of liberal legislation. Civil liberties found in him a fearless champion. The homeless and the driven knew him as a friend who sponsored immigration laws consistent with the traditional hospitality of America. The bigot and reactionary knew him as a foe. The liberal and progressive cherished him as a colleague.

Mr. President, an ancient Greek once observed that: "The good have no need of an advocate." Not so in these days of perplexity and confusion. It is the good and the righteous that need good and righteous advocates. Such a one is before you.

I have the honor, sir, to present Congressman ABRAHAM J. MULTER, for the degree of doctor of laws, honoris causa.

A FEATHERBED SOLUTION

Mr. ALGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALGER. Mr. Speaker, the President's message on the impending railroad strike is the subject of the lead editorial in the New York Times of July 23, 1963. The President is accused of lack of courage to face up to the real problem, the continuation of featherbedding. The President refuses to take action, and knuckled under to union demands, the article points out. As a result the financial burden will be passed on to the people and business in higher rates for transportation and in higher taxes to pay for all the Federal aids to the workers.

The editorial follows:

A FEATHERBED SOLUTION

The author of "Profiles in Courage" has run away from a tough decision to embrace a politically easy one.

Once again the White House has knuckled under to the unions' intransigence on the railroads. The President's announcement that he will seek legislation referring the 4-year-old dispute over featherbedding to the Interstate Commerce Commission would postpone indefinitely—and perhaps forever—the elimination of unneeded train jobs that push the carriers a half-billion dollars closer to bankruptcy every year. He leaves Congress the alternative of doing nothing and thereby accepting the inevitability of a nationwide strike.

The ICC has no special competence in this field. Its members cannot be expected to appraise the incredibly complex issues of work rules and manning practices with anything like the expertness of the able Presidential Commission that submitted its recommendations for squeezing out manpower waste nearly 18 months ago. President Kennedy made that report an exercise in futility by walking away from it on the very day it was presented. He knew the unions would reject it.

Since then the railroads have said "yes" and the brotherhoods have said "no" both to the peace plan put forward by a Presidential emergency board under the Railway Labor Act and to the supplementary settlement formula suggested by Secretary of Labor Wirtz. Now, faced with the choice between a national rail strike and the necessity for forcing a showdown through legislation, President Kennedy retreats into another time-wasting study under circumstances which give the unions every encouragement for continuing to veto the economies essential both for the railroads and for the job security of those workers whose jobs are genuinely needed.

The employers are confronted with the prospect of a 2-year wait before they can hope to reap any of the savings permitted by technological change, with no real reason for belief that the same political considerations that dictated the President's decision will not again frustrate any basic change in their archaic work rules. Mr. Kennedy even hints that the cost can be lifted from their pocketbooks by the usual expedient of passing it to the public in higher rates. The parallel announcement by Mr. Kennedy that he will appoint a Presidential commission on the general problems of automation could not be more ill-timed. The precedent he is setting in the railroads is bound to undermine public confidence in the new body even before it begins work.

The inescapable lesson of the entire experience is that Congress must give priority attention to a reappraisal of all our legal safeguards against emergency strikes and the abuse of union power. Waiting for the crisis always leads to political evasions that may prove as damaging in their end effects as the strikes they were designed to avert. President Kennedy has taken the easy way out, and a way that can only do harm to the country, the railroads and, in the long run, to labor as well.

Once again, Mr. Speaker, we see the President failing to solve a problem; more than this, refusing even to face up to reality. The President's message cannot stand scrutiny by any test of logic. Neither management nor labor will approve this. Nor will the people as they weigh the pros and cons. Perhaps this statement will be the catalyst to awaken the people to the stark reality of today's incompetency in the White House.

EXECUTIVE VIOLATES FOREIGN AID APPROPRIATIONS ACT OF 1963

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin [Mr. LAIRD] is recognized for 15 minutes.

Mr. LAIRD. Mr. Speaker, some significant data has come to my attention

which should be the cause of deep concern to every Member of Congress. The executive branch apparently is in violation of two restrictions contained in Public Law 87–872, the Foreign Aid Appropriations Act of 1963.

Several countries that received aid from the United States in fiscal year 1963 have in turn carried on trade with Communist Cuba. As a member of the Appropriations Committee of the House, I became very interested in the facts surrounding this apparent violation of the Foreign Aid Appropriations Act. After investigation, some highly interesting facts emerged:

In calendar year 1962, 27 countries whose trade with Cuba amounted to over $2 million received economic and/or military aid from the United States.

In the first half of fiscal year 1963 AID expenditures to these countries totaled $245.9 million.

Through March 9, 1963, military expenditures to these countries amounted to $231.7 million.

At the conclusion of my remarks, I will insert a table which breaks down in the latest available figures the amount of aid each one of these countries has received from the United States in fiscal year 1963.

Mr. Speaker, in every one of these 27 cases U.S. aid has been granted. The available facts indicate that the extension of such aid is a direct violation of certain restrictions contained in Public Law 87–872.

The fact that the executive branch of the Government is aware of the restrictions imposed by Public Law 87–872 was made abundantly clear as long ago as January 12, 1963. Both the United Press and the Associated Press on that date issued stories indicating that the State Department had warned countries whose ships go to Cuba that they risk losing American aid. I quote from the AP story:

> A State Department press officer, Joseph W. Reap, disclosed yesterday that the warnings have been conveyed in line with the new foreign aid law. Congress attached a proviso, as the spokesman put it, that "aid shall be cut off to countries whose ships carry goods to Cuba."

At the conclusion of my remarks, Mr. Speaker, I will include the AP and UP articles in the RECORD.

Mr. Speaker, the AP story goes on to declare:

> State Department authorities made plain they hope to carry out the law by persuading aid-receiving nations to divert their vessels from Cuban ports, rather than imposing the no-aid penalty.

The facts indicate that 27 of these countries were not so persuaded. Yet, U.S. aid continues to be supplied. I find it difficult to reconcile this with the language of the law as passed by the Congress in the last session of the Congress.

There are two restriction that apply to trade with Cuba. One such restriction flatly bans any U.S. aid to a "country which permits any ships under its registry to carry to Cuba petroleum" and certain other goods of a military or strategic character.

In the first 6 months of 1963, tankers from the United Kingdom, Greece, Italy, and Norway have traveled to Cuba. The provisions of the law are clear in this case. The Executive is given no discretionary authority. Under the law, U.S. aid must be denied to those countries.

Has it been denied?

As of March 9, 1963, the United Kingdom received $6.2 million in U.S. military aid.

As of December 31, 1962, Greece received $7.5 million in economic aid and $89.5 million in military aid through March 9, 1963.

As of March 9, 1963, Italy received $87,000 and Norway $41.2 million in U.S. military aid.

Obviously, Mr. Speaker, the executive branch chose to ignore that particular provision of the law. Apparently, the Executive's commitment to enforce the law of the land is not an across-the-board commitment; it appears to be selective.

That phrase "law of the land" has seen a lot of usage in recent years. In most discussions, however, it is used to decribe the outcome of Supreme Court decisions. What is usually forgotten, or at least ignored, is that the laws passed by Congress and signed by the President become in every case the law of the land.

The Constitution is clear on this point. It states:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof * * * shall be the supreme law of the land.

Article I of the Constitution declares:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Mr. Speaker, there is no discretionary power here. The Constitution does not vest in the President the authority to review laws passed by the Congress and decide which provisions are worthy of enforcement, which not. It does not give the executive branch of this Government a working item veto so that each law can be bent to his own idea of what is in the best interests of this country. This is a government of laws, not a government of men.

For Congress to permit any individual to exercise a discretionary authority when such discretion is not provided by law means that Congress is abandoning its prerogatives. There was a time when a Representative or a Senator was first a Member of Congress and second, a member of his party. His first loyalty was to the institution of Congress; then came his commitments to partisan considerations.

Mr. Speaker, every Member of this Congress—Republican or Democrat, liberal or conservative—should be on his feet denouncing the President's refusal to implement this particular provision of Public Law 87–872. The President has demonstrated his eagerness to apply the so-called law of the land as it is defined by the Supreme Court. Each Member of Congress should remind the President that equal vigor should be applied to the implementation of the law of the land as it is enacted by the Congress. After all, there is some controversy in the land as to whether Supreme Court decisions become the law of the land or the law only of a particular case. There is no controversy, however, over the status of laws passed by the Congress and signed by the President. They are the law of the land.

In the second restriction that applies to trade with Cuba, economic aid is denied to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the Foreign Relations and Appropriations Committees of the Senate and the Foreign Affairs and Appropriations Committees of the House of Representatives.

This provision, Mr. Speaker, does contain a certain discretionary authority. But if the executive branch decides to exercise that discretion, the law again is very clear on the procedures to be followed. Certain committees of both Houses of the Congress must be informed by the President of his decision.

The evidence indicates that the executive branch has seen fit to violate this provision of the law as well. An inquiry was made of the staffs of the Foreign Affairs and Appropriations Committees of the House of Representatives. This inquiry disclosed that the President had not submitted the required certification.

Mr. Speaker, the Congress should demand that the executive branch explain its failure to comply with the provisions of Public Law 87–872. Whether an individual Member of Congress supported or opposed a particular bill, once that bill has been passed by a majority and signed into law by the President, every Member of Congress should support the enforcement of the provisions of that law. To do otherwise is to renounce the duty and responsibility of the office to which he was elected.

Executive encroachment on the prerogatives of Congress should be the subject of deep concern to every Member of Congress. In effect, it represents a frontal assault not only on the institution of Congress itself but on the effectiveness of the laws passed by the Congress as well. Every Member should be that jealous of his prerogatives that he will not tolerate such a bald-faced refusal by the Executive to administer the laws of the land.

Mr. Speaker, I have addressed a letter to the Comptroller General of the United States, dated July 18, 1963, in which his attention is called to the facts set forth in this statement and requesting him to initiate an investigation of the executive branch's administration of this law.

The letter follows:

JULY 18, 1963.

HON. JOSEPH CAMPBELL,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. CAMPBELL: Public Law 87–872, which is the Foreign Aid Appropriations Act

of 1963, contains among others the following two provisions:

"SEC. 107. (a) No assistance shall be furnished to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba, so long as it is governed by the Castro regime, under the Foreign Assistance Act of 1961, as amended, any arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies, such as petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war, contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended.

"(b) No economic assistance shall be furnished to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba so long as it is governed by the Castro regime, under the Foreign Assistance Act of 1961, as amended, unless the President determines that the withholding of such assistance would be contrary to the national interests and reports such determination to the Foreign Relations and Appropriations Committees of the Senate and the Foreign Affairs and Appropriations Committees of the House of Representatives. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the committees and shall contain a statement by the President of the reasons for such determination."

It has come to my attention that the executive branch of the Government apparently has violated both of these provisions in a number of instances. Section 107(a) of Public Law 87-872 provides that no U.S. aid shall be extended to any country whose ships provide petroleum and/or other strategic or military goods to Cuba. My information is that tankers from the United Kingdom, Italy, Norway, and Greece have traveled to Cuba in the first six months of 1963. According to the "Operations Report," AID and the hearings before the House Committee on Foreign Affairs, April–June 1963, these countries continue to receive assistance from the United States. This appears to be in violation of section 107(a) of Public Law 87-872.

Section 107(b) of Public Law 87-872 prohibits U.S. aid to countries whose ships furnish economic aid to Cuba. There is, however, a certain discretionary authority afforded the Executive. But, if this discretion is exercised, the law is explicit in its requirement that the President inform the appropriate committees of the Congress.

Inquiries made of the Foreign Affairs and Appropriations Committees of the House of Representatives disclosed that the President has not made the required certification.

Certain newspaper accounts dated January 12, 1963, disclose that the State Department warned those countries concerned that U.S. aid would be withdrawn if their trade with Cuba did not cease. I enclose for your information copies of two of the cited newspaper articles. Also enclosed is a list of 27 countries whose trade with Cuba exceeded $2 million in calendar year 1962, which countries continue to receive aid from the United States. The amount of U.S. aid extended to each of these 27 countries is included in the table.

It is requested that your office investigate the facts concerning this information in order to ascertain whether the provisions of Public Law 87-872 cited above have in fact been violated by the executive branch.

With best wishes and kindest personal regards, I am,

Sincerely yours,

MELVIN R. LAIRD,
Member of Congress.

Mr. Speaker, the materials to which I have referred follow:

Aid to countries whose trade with Cuba amounted to over $2,000,000 in calendar year 1962

Country	AID commitments, fiscal year 1963 through Dec. 3, 1962	AID expenditures, fiscal year 1963 through Dec. 31, 1962	Military aid, fiscal year 1963 through Mar. 9, 1963
Japan		$171,000	
United Kingdom [1]			$6,200,000
Morocco	$315,000	22,000,000	
United Arab Republic	41,000,000	4,400,000	
Canada			
Netherlands			7,900,000
West Germany		38,000	260,000
Spain		5,700,000	15,600,000
Chile	1,000,000	36,700,000	
India	39,800,000	146,800,000	60,000,000
Tunisia	774,000	5,600,000	
Sweden			
France			4,000,000
Denmark			18,800,000
Switzerland			
Finland			
Yugoslavia	90,000	14,700,000	
Belgium			4,700,000
Luxembourg			50,000
British Guiana	307,000	221,000	
Syria	110,000	314,000	5,000
Uruguay	1,000,000	647,000	
Norway [1]			41,200,000
Poland		304,000	
Italy [1]			37,400,000
Lebanon	90,000	820,000	87,000
Greece [1]		7,500,000	89,500,000
Total	34,400,000	245,900,000	231,700,000

[1] Denotes tankers as well.

NOTE.—David Bell informed the House Foreign Affairs Committee that as of June 30, 1963, there would be an estimated unexpended balance in the AID pipeline to Poland of $2,400,000 and to Yugoslavia of $18,600,000. The grants are almost entirely for technical assistance—related top projects now underway and being paid out as the project is completed.

Sources: AID commitments and expenditures from Operations Report, AID, date as of Dec. 31, 1962. Military aid figures from hearings before House Committee on Foreign Affairs on the Foreign Assistance Act of 1963, April–June 1963.

UNITED STATES REVEALS CUBA TRADE CRACKDOWN—COUNTRIES WARNED AID WILL HALT UNLESS SHIPPING IS STOPPED

(By Donald May)

WASHINGTON, January 11.—A number of free world nations have been warned they face the loss of U.S. aid if their ships continue to trade with Cuba the State Department said Friday.

A spokesman said the crackdown would be required under a provision of the foreign aid bill passed by Congress last session.

He declined to list the countries warned but said the notifications had been served over the last 2 months.

REPORT TO SENATORS

Secretary of State Dean Rusk was questioned about the Cuban shipping situation when he briefed the Senate Foreign Affairs Committee at a closed-door session Friday morning.

Committee Chairman J. WILLIAM FULBRIGHT, Democrat, of Arkansas, reported that Rusk seemed encouraged by the response of many nations to U.S. efforts to discourage shipping to the Fidel Castro regime. Rusk observed however, that some of the vessels engaged in the Cuban trade were under long-term charters and not under firm control of their governments.

At the briefing, Rusk also made these points on Cuba:

The United States is determined to protect the Western Hemisphere from any overt or subversive invasion by Castro forces. He declined to go into detail.

The administration is confident that all Soviet offensive weapons such as missiles and bombers have been withdrawn from Cuba despite contrary reports from some Castro refugees.

The United States has made no commitment against a Cuban invasion. The prospect of such a pledge went down the drain when no on-the-spot inspection of missile sites in Cuba was allowed by Castro. Rusk observed that had the pledge been made it would have applied only to the immediate situation and would not have disrupted U.S. treaty obligations in Latin America.

CUBAN TRADE PERILS AID, UNITED STATES WARNS NATIONS

The United States is cautioning countries whose ships go to Cuba that they risk losing American aid.

A State Department press officer, Joseph W. Reap, disclosed yesterday that the warnings have been conveyed in line with the new foreign aid law. Congress attached a proviso, as the spokesman put it, that "aid shall be cut off to countries whose ships carry goods to Cuba."

State Department authorities made plain they hope to carry out the law by persuading aid-receiving nations to divert their vessels from Cuban ports rather than imposing the no-aid penalty. They said imposing such a heavy penalty could damage the violating country unduly and impair free world security.

Mr. Reap declined to name the countries with which the United States has been negotiating to end the Cuba shipping.

Most non-Communist nations plus Poland and Yugoslavia get U.S. aid. A number like Great Britain, Norway, and Greece, have large maritime fleets. Some maritime nations including Panama, Liberia, West Germany, and Italy, bar their vessels from Cuban ports.

State Department authorities said increasing cooperation has been forthcoming from other non-Communist countries and that Cuba's trade patterns shows a dwindling number of non-Communist ships.

The Congress-imposed restriction is apart from a series of shipping regulations which President Kennedy has said he will issue as part of his drive to isolate the Red regime of Fidel Castro. Informants said they now expect these long-delayed regulations will be issued next week.

A NICE ROUND BILLION DOLLARS

The SPEAKER. Under previous order of the House, the gentleman from Washington [Mr. PELLY] is recognized for 30 minutes.

Mr. PELLY. Mr. Speaker, not long ago a newspaper in my congressional district published an editorial entitled "A Billion Is a Nice Round Sum." It had to do with Secretary of Defense McNamara's cost-reduction program during the past fiscal year. The newspaper said that for a man of McNamara's precision with figures, he used a well-rounded sum of $1 billion because it made a good headline.

As for me, Mr. Speaker, I am all for more headlines like that, especially if they are true. Furthermore, I think the taxpayers of the country should and would applaud any such rare instances of cutting government costs and perhaps especially if the figure was not quite so round. Instead I would reduce the amount of any such saving so each citizen could apply the figure to himself. I gave an example of what this means on the floor of the House of Representatives not long ago; I showed that $1 billion

represents an average $21.66 for each of the 46.3 million families in the United States.

Of course, this $21.66 saving is not going to mean much to one of the 4.8 million who unfortunately are jobless today. The unemployed have other and more serious personal worries than the cost of government. Perhaps, too, the 398 persons who we are told enjoy incomes of $1 million a year or more are not too concerned about $21.66. But, Mr. Speaker, there are 28,887,841 taxpayers who have reason to be concerned. This is the number of persons who paid Federal income taxes whose incomes are $6,000 a year or less. When it is shown that the President's budget request of $98.8 billion averages $2,133.90 for each family, or $177.82 a month, it certainly means something to a person whose income before taxes is $500 a month or less.

In 1960 there were 48.1 million individual taxable returns filed with the Internal Revenue and these taxpayers must have a deep personal interest in the way their money is spent. Certainly the cost of government and the cost of each proposed new program that would be added to the cost of government is of interest to them. Why not? They must pay their share too.

For example, of the 48.1 million individuals who have filed taxable returns—this excludes corporation returns—30.8 million are joint returns and represent a husband and wife. Therefore, that would make 63.5 million persons who pay personal income taxes. The average individual tax paid by these 63.5 million persons would be $621.48 each, so it is not difficult to describe Government expenditures in a way it strikes home to the individual taxpayer. It relates to each one's own paycheck or pension.

I have in mind, for example, that last April the Congress approved a supplemental appropriation bill. In theory a supplemental appropriation, of course, is making up any shortages in the amounts allowed by Congress in the previous year for the current year's operations. So the amount of that supplemental bill is not included in this year's budget request.

In April the Senate added $450 million to the House supplemental. This was for an increase in the accelerated public works program. When this $450 million boondoggle, as I consider it, was added to the House bill its total was $1,438 million.

At the time the bill passed Congress the news media of the country informed the people that this $1.4 billion was appropriated. Yet, I doubt if many Members of Congress received protests or even comments one way or the other on the amount of the bill. It was just a nice round sum.

Mr. Speaker, this $1.4 billion in that supplemental appropriation bill averaged $31.07 for each family in America or if averaged on the basis of each individual taxpayer, including the 28,887,841 taxpayers with incomes under $6,000 a year, it represents a cost of $29.91 each.

Last week, Mr. Speaker, one of our colleagues, a member of the Rules Committee, called for action by the House one way or the other on the Kennedy proposal for new programs which are simmering on the fire but not fully cooked apparently or ready for serving.

In this connection, there are three New Frontier programs that I can think of pending. These are, first, the omnibus Federal aid to education bill; second, the 3-year $500 million urban mass transportation bill; and, third, the youth employment and training program.

The first year cost of these three proposals represents a total average cost to each family of $30.54. Moreover, if the $455 million area redevelopment program passes which the Senate tacked on to another bill, although previously rejected by the House, an additional $9.83 per family will be added to this year's cost of government.

The cost of foreign aid and for the space program I intend to discuss at a later date.

Meanwhile, I will conclude by simply repeating what I said to the Members of the House last week that $1 billion, when written, does not mean much. Stated differently, however, the billions and even millions Congress spends can mean something very clearly.

As I said last week each family's share in the Federal debt on the basis of total debt of $309 billion would be $6,674. I said also that the $10 billion annual interest on that national debt amounts to $215 per year per family and should not be allowed to increase through more deficit spending. Finally, let me conclude that each Member of Congress has an important responsibility, it seems to me, to explain how government spending relates to their constituents personally.

UNEMPLOYMENT

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. Bow] is recognized for 30 minutes.

Mr. BOW. Mr. Speaker, I would like to open my remarks today by reading a letter. It begins:

MY DEAR CONGRESSMAN: I am writing to you about a serious problem. You see, I am unemployed and have four children and a wife to support. The children are 14, 16, 17, and 18 years of age. I am only 36 years old and cannot get a job. They say I am not qualified, sir. I am not illiterate. I can read and write and also work. The only thing I didn't do was finish school. I have tried to get work everywhere. It's a rotten shame a man, only 36 years old, can't support his family decently.

I have a 96-acre farm in Tuscarawas County. Cannot borrow money to farm it right. Now I have to sell my tractor for some money to eat on.

What I would like to know is why the Government is spending all this money on the retraining program. Who is benefiting from it? As big as Stark County is, only 15 men got the program. I was not 1 of the 15. Why only a handful of men? There are hundreds of men like me. What are we supposed to do? Slowly watch our families starve to death?

They say this is a land of wealth. It sure isn't in my house.

My daughter graduated from high school and can't get even a part-time job. She is going to Mercy Hospital to become a nurse. That is, she has been accepted, but I can't borrow the money. She is a good student, won a $200 scholarship, but if I don't get the rest it won't help her.

What is happening to this Government. Why aren't the poor class being helped more.

I think it's a disgrace to say a man is illiterate just because he is poor.

If I could get the retraining I would be willing to move anywhere in the State. But I must do something to feed my family.

Would you please help me to get the retraining program or a job? Anywhere just so it's a living, a decent living. As I said before, I would be willing to move anywhere in the State.

Thank you kindly.

This is only one of many moving letters that have come to me from men who are out of work, who want to work, and who cannot find work.

AMERICAN MEN WANT HONEST WORK

I have heard people talk about the unemployed who are content to relax on unemployment compensation, and I suppose there are a few of these who add to the statistics on the unemployed.

But I am convinced that the overwhelming majority of American men who are out of work today would like nothing better than to have a job that would provide, as my constituent says, a decent living on which to raise a growing family. Despite all of the talk about how a paternalistic government has sapped the initiative of the American people, the average American man is still independent, ambitious, energetic, and honest. He wants a job. He wants to work. And the 2 or 3 million who are in this category of hard-core unemployed today are growing more and more bitter that they cannot seem to carve out an opportunity to make a living and take a place in society as an independent, self-sufficient, hard-working citizen.

This kind of unemployment is the most distressing and potentially the most dangerous domestic problem of these United States.

Unless something is done to find honorable and worthwhile employment for most of the men and women who are without work, and for the 3 million who will be added to our labor force each year for the next several years, the effects upon our economy and our way of life will be serious indeed.

THE PRESIDENT'S PLEDGE

The President's many references to this subject indicate that he is well aware of the problem.

In one of his campaign speeches at Scranton, October 28, 1960, he said:

If anyone can tell me a more desperate fate for an American than wanting to work and unable to find it, having children and a family to support—and this morning I talked to three steelworkers who have been out of work since April. How do you meet the weekly budget? What do you do, go down and get surplus food, which amounts to 5 cents a day per person? What do you do about your children? What do you do about the mortgage on your house? After unemployment compensation runs out, then what do you do? You move away or you work in another State or your wife goes to work.

On the same theme, Mr. Kennedy told an audience in Ohio that one of the two great problems facing the next President was industrial employment, and he said:

There are in this country now nearly 4½ million people out of work. There are 3 million people who are working part time, and yet we had a recession in 1954, a reces-

sion in 1958; now, 2 years later we have a slowdown. We are using today only 50 percent of the capacity of our steel. The Soviet Union last week came close to outproducing us, even though they have only one-half of our capacity. The reason, of course, is that we can produce more than we can consume. We can produce more in our factories and more on the farms than we can consume at at a decent price. Therefore, our steel mills work 50 percent, 100,000 steelworkers are out of work, it affects coal, chemicals, paper, everything. It affects Detroit. How can the next administration so provide an atmosphere for our economy where our country begins to move ahead, where our people work, where our facilities are used, particularly at a time when machines are taking the jobs of men?

And at Oakland, Calif., Mr. Kennedy said:

We also intend to make sure that every able-bodied American has a job to look for by adopting programs to aid depressed areas, increase our economic growth, and add the new industries and the new jobs which a growing population demands.

Unfortunately, the problems Mr. Kennedy describes are still with us, although there was some improvement in the steel industry this spring.

I recall that Mr. Kennedy established a goal and made a pledge to the American people when he spoke in Canton, Ohio, my hometown, on September 27, 1960. He said:

We are going to have to find 25,000 jobs a week for the next 10 years if we are going to find jobs for your children who are coming into the labor market—25,000 jobs a week, 52 weeks a year for 10 years, if we are going to maintain full employment in the United States, and it is going to be a matter that is going to be of concern to us all, Canton, Ohio, and the United States. We want to make sure that any American who seeks a job, who honestly wants to work will have a chance to work. That is our objective.

Mr. Kennedy established an ambitious goal, and it is a goal that our free enterprise system must meet. Unfortunately, we are still far from it, and I submit that the Congress must act and by its action implement the pledge of the President to the American people.

LONG-RANGE PLANS NECESSARY

I am growing more and more concerned by the emphasis placed upon stopgap programs and Federal subsidies, and by the lack of any overall concerted attack upon the long-range problem. Moreover, I am concerned by what seems to me to be a grave lack of coordination between the various efforts that have been made to view the long-range problem.

For these reasons, I am introducing today a resolution calling for the establishment of a Select Committee on the Problems of Employment to be composed of Members of the House from the major committees concerned in these problems. The select committee will be charged with the responsibility for making a full and complete study with a view to recommending comprehensive plans for achieving maximum employment in our free enterprise system.

This is no partisan problem, and it should not be treated as one. All men and women of good will in both political parties share a desire to find the solution, and I hope that this resolution will win prompt endorsement from my colleagues of every political persuasion.

We need to know what deficiencies of Government or business policy have created the present unemployment problems.

We need to know what positive and constructive changes in Government policy, in the business world, in education and commerce can provide the broad expansion of enterprise that will be required to provide full employment for the growing labor force.

Mr. Speaker, it is a common error to think of the 4.8 million who are unemployed today in terms of the 20 million who were unemployed during the depression of the 1930's. The two situations are not parallel.

NATURE OF UNEMPLOYMENT

In 1930 a worldwide depression threw millions of people out of work, and the situation continued with little improvement until World War II began. There was nothing selective about the problem of unemployment in the thirties. It brought hardship on everyone, in every nation of the world.

Today's problem is selective. In the first place, there is no worldwide economic distress. The defeated nations of World War II are operating at high capacity with full employment, and some of them must import workers from other nations. Even in the United States, we are not in a business recession. The rate of business activity fluctuates from year to year, but the rate of unemployment remains at a high level affecting certain groups of people in our land.

Samuel Lubell has written a series of articles, which appeared in my hometown newspaper, the Canton Repository, in which he discusses in plain terms the nature of the unemployment problem of the sixties.

He points out, for example, that there are several hundred thousand young men, some of them approaching 30, who have never had a steady job. Perhaps my constituent is one of these. They are willing and anxious to work and have some training, but there appears to be no real place for them in the economy of the sixties. Consider what this means in terms of lost opportunities to own a home, start a family, take an adult's place in the American society. This is one part of the unemployment picture and it is a real tragedy.

There are others who trained for a specific job and who may have built up years of seniority in a plant, only to become unemployed when changing markets or technology eliminate the industry for which they are working or the job for which they are trained. We recognize this problem. It is a part of the current crisis in the rail industry.

There are, of course, the unemployed of all ages in areas which are acutely depressed such as the coal fields in certain parts of West Virginia, Ohio, Illinois, and Tennessee. The unemployables who lack education or training are found everywhere in the United States and they are of both sexes and of all ages.

A youth conservation corps or an area redevelopment program is not going to solve the problems of these unemployed Americans. At best, such programs can provide only a short-term opportunity to earn some money after which, in the absence of a constructive solution to the Nation's problems, the men concerned will reenter the ranks of the unemployed. With regard to the youth corps, for example, the Secretary of Labor has testified that the men who go through this program will return with no new skills.

Mr. Lubell points out also that current statistics about unemployment are an unreliable index to the extent of the problem.

We are appalled to find that 4.8 million Americans are still unemployed according to the July 1 report of the Department of Labor but, as I indicated earlier and as Lubell agrees, this numerical expression of the problem is not the whole story. Many of the 4.8 million are people who are between jobs, men and women taking advantage of unemployment compensation to rest a few weeks, youngsters, housewives, and retirees seeking part-time work and many who would like to work or are willing to work but suffer no acute hardship by reason of being unemployed.

This does not lessen the seriousness of the problem for those I have mentioned who are numbered among the hard-core unemployed and those who inevitably must join this group unless constructive action is had soon.

SCOPE OF STUDY

The select committee I propose would include two members of each of the Committees on Appropriations, Banking and Currency, Education and Labor, and Ways and Means. The committee will be charged with responsibility for a full and complete study of the problem of unemployment in the United States with a view to recommending a comprehensive plan for the achievement of maximum employment in the private enterprise system. This study shall include, but shall not be limited to—

First. Chronic unemployment among persons aged 45 and over.

Second. The role of women in the labor force.

Third. Unemployment of young people, including the problems of school dropouts and the effect of compulsory military service.

Fourth. Apprenticeship and on-job training in industry.

Fifth. Federal, State, and nongovernmental agencies for placement of the unemployed.

Sixth. Vocational education in high schools.

Seventh. Industry programs for upgrading skills.

Eighth. The effects of automation.

Ninth. The effects of foreign competition.

Tenth. The effect of Federal taxation on industrial expansion.

A similar committee of Republican members only was proposed 2 years ago as a means of developing information for our party on these subjects. This proposal was contained in the excellent report called "Employment in the Dynamic American Economy" which included statements and studies by a number of

our colleagues and papers prepared by distinguished academic and professional experts. I commend these reports to your attention. They appeared in the RECORDS of July 20, 25, 26, and 27, and August 1, 2, 3, 8, 9, and 10, 1961.

It is my thought that a similar but much broader bipartisan study is urgently needed at this time. I hope that the Select Committee on the Problems of Employment may be established without delay and that its studies may produce programs that will solve the problems of unemployed men who need jobs, including my constituent, whose letter I read to you today.

U.S.S.R. NATIONALITIES IN DANGER OF EXTINCTION

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, Under Secretary of State Averell Harriman continues the negotiations in Moscow which are supposedly limited to a discussion of a nuclear test ban.

However, public statements have also been made of the possibility of a nonaggression pact between the NATO Alliance and the Soviet Warsaw Pact nations which, if developed, would mean complete acceptance by the United States of Communist control of previously free peoples in Eastern Europe.

In effect, we would be placing our stamp of approval on the Iron Curtain and would be crushing the hopes and aspirations of the captive peoples of the Soviet colonial empire for a return to legitimate governments of their own choosing.

We have had many reports from the Soviet Union in the past years indicating the continuing nationalistic resistance that the captive peoples are waging against Soviet imperialism. We have also been informed authoritatively of the persecution which the Soviet Government carries on against the unwilling captives of communism.

At this point I wish to insert into the RECORD as part of my remarks the following editorial which appeared in the Hairenik Weekly of July 18, a publication of the Armenian Revolutionary Federation, entitled "U.S.S.R. Nationalities in Danger of Extinction":

U.S.S.R. NATIONALITIES IN DANGER OF EXTINCTION

That the Armenians are in the forefront in the current drive for the creation of a congressional Committee for Captive Nations is not merely an instinctive action nor a flippant gesture to keep up with the Joneses.

The Armenians have good reason to be concerned about the fate of the nation, perhaps a little more than any other nationality group of kindred fate, because they are small in numbers, and weak in might, and because they have been buffeted by fate far more than any other nation and they are desperately trying to prevent national extinction.

There are things going on inside the Iron Curtain these days. There are things going on in Soviet Armenia of which the world should be informed. The very life of the Armenian Nation is being threatened with a peril which is far more deadly than the famine, the epidemic and the massacre.

It is the peril of national dissolution. It is blatant Russification.

One after another, the bastions of national identity are being demolished. Religion, the foundation of the Armenian people which enabled them to survive 2,000 years has been eradicated in Armenia and has been replaced by atheism.

Nationalism, patriotism, have been ruthlessly suppressed and replaced by international communism.

Our language has been hideously disfigured with the rushing influx of Russian words, an atrocious hodgepodge of bilingualism. One needs a new Armenian dictionary these days to decipher the foreign words.

Culture is denounced as formalistic and the artists of Armenia are closely watched lest they deviate, the result being that artistic growth is stifled.

And now, as the capstone of this false structure, comes the so-called fraternal union of the Caucasian S.S.R. Communist Parties—Armenia, Georgia, and Azerbaijan—which have been merged into the transcaucasian bureau, doing away with native party leadership.

The pattern is being implemented in other parts of the Soviet Union—Tajikistan, Uzbekistan, Kazakistan, Ukraine, etc.

And this liquidation of the nationalities is being done in the name of "the brotherhood of the nation," in the name of the "common land" and the "common fatherland" which, in reality, is destined to become "common Russia" with Russian language, culture, and ideology.

This is the beginning of the end—the disintegration of the nationalities of the Soviet Union.

As regards Armenia, with the relaxation of the former repressions, of late there had been indications of a national awakening.

Voices were being heard in Armenia, voices which no one dared raise in the days of the infamous Stalin.

The poet Hovhanness Shiraz sings of the nostalgia of the "old home on the other side of the border." The academician, Karapetyan, writes a stringing rebuttal to a Polish Communist writer who apologized for the Turk and the Soviet by contending that "The confiscation of Armenian historic territories by Turkey, Georgia, and Azerbaijan was a historic necessity in the interests of world communism."

And now the Soviet cudgel is descending heavily on Shiraz and Karapetyan and others, as "chauvinists" and "imperialistic reactionaries."

The Communist Party in Armenia is alarmed and puts the blame on the Armenian Revolutionary Federation.

There is every indication that a reversal to the Stalin era is in the offing in Armenia. There will be persecutions and purges. The revival of the national spirit will be ruthlessly suppressed.

With religion gone, language gone, and now the territorial demarcations gone, Armenia is in danger of complete dissolution.

The Christian West failed Armenia in the days of Abdul Hamid.

Will history repeat itself? Will the free West stand by passively and watch with indifference as Armenia is being crucified the second time?

Although this editorial directs attention to the abuse being suffered by the Armenian minority in the Soviet Union, the practices of the Soviet Government are consistently applied to the other nationality groups under Soviet control. By destroying the identities of the captive nations the Soviet Union hopes to perpetuate its control over their lands and reduce the resistance that they are continually demonstrating.

Having recently commemorated Captive Nations Week, it is well for us to ponder the sinister implications of conditions within the Soviet Union as related to the foreign policy goals of the Communists. We should be forewarned and concerned with the dangerous trap that is being laid for us in Moscow.

SOMBER REMINDER: IRON CURTAIN STILL THERE

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FINDLEY. Mr. Speaker, largely forgotten are millions of people still behind the Iron Curtain under Soviet domination. Since 1959 the U.S. Congress has set aside a week of the year as Captive Nations Week, during which the President makes a proclamation calling for the liberation of peoples under Communist bondage.

The President did so this year although, curiously, at a time when an accommodated agreement on atmospheric nuclear testing seemed imminent. Perhaps the proclamation was less than enthusiastic for fear it would irritate the Communists and foul the negotiations. If so, the somber tone of Captive Nations Week became even more somber.

During Captive Nations Week last week, we were reminded that all of Eastern Europe is under Soviet domination 18 years after World War II, as is most of Asia.

Lands which for years provided the United States with the riches of immigration now are under Communist rule. They were given the Communist yoke at the conference table where the wily and artful Communists outsmarted U.S. negotiators.

Despite talk that parts of the Communist world are independent of Russia, Communists argue only over the best means of destroying the free nations.

Within the Communist bloc is little evidence of freedom, a break in foreign policy with Soviet Union, or any change in the ideology of planned victory over capitalism. Under communism everywhere the individual person is but an ant-like slave in a mass society.

Yet there are strong indications that the policy of peaceful coexistence is now the policy of the U.S. Government. While no one wants war, the easiest way to get into war is to encourage the enemy to think we are soft and will make accommodations and concessions.

After Captive Nations Week it is especially appropriate to think through this question:

Have we resigned ourselves to accept Communist rule for these nations?

If the answer is "No," and I hope it is, an equally important question remains: What can we do to aid the people who have lost their freedom?

First, we can all stand for a firm policy against communism, opposing agreements and treaties which would legalize Communist rule in Eastern Europe, Cuba, and the Far East.

Second, we can aid refugee organizations and national groups in their efforts to present their case for freedom and regain their homelands if opportunity comes. Tragically, we missed such an opportunity to do so in Cuba when we let Cubans die on the beaches of the Bay of Pigs without our promised air strikes.

Third, we can step up efforts in the United Nations to get neutral nations to condemn the real imperialism, the real colonialism in the world—the Soviet Communist empire.

If the United Nations is to be useful, it must be a center where tragic problems like this can be brought to light and discussed.

Fourth, we can stop aiding Communist governments. We can cut off the trade concessions, free steel mills, and free food. We can withhold aid for the day when the oppressed people overthrow their masters.

The United States won its independence from Britain with strong help from nations across the seas. One of these was Poland.

Let us not forget Poland and the other captive nations in their own hour of misery—but let our aid be to the open hand of freedom, not to the mailed fist of dictatorship.

PITFALLS OF THE MOSCOW PARTIAL TEST BAN TREATY

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOSMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOSMER. Mr. Speaker, we will be hearing much about the alleged advantages of the partial test ban treaty negotiated in Moscow. There will be much said about the risks claimed to be reduced or eliminated by the arrangement. There will be little or nothing said by the administration about the risks it increases or creates. Unless these latter are understood thoroughly, assessed, and then balanced against the former, it is impossible to say whether the Moscow arrangement is in the national interest of the United States, whether it is detrimental to these interests, or whether the entire affair is no more than a meaningless exercise in futility.

That such risks do, in fact, exist, we can be sure. Unless Mr. Khrushchev is a madman, and he is not, he sees advantages for the Soviet Union and communism in the partial treaty. He sees them as substantial advantages, worthy of his time and effort. By no stretch of the imagination can such advantages to him be assumed to be, in any substantial part, advantages which also accrue to us. There must, therefore, in substantial part, be disadvantages to us.

Another reason for a hard look at risks inherent in the partial test ban treaty is to dispel the general feeling of euphoria it might create. People will tend to regard it as evidencing an easy solvability of East-West relationships. Pressures will mount for concessions all along the line to achieve a detente with communism. First, a nonaggression declaration, next a summit conference, then concessions here, there, and at many points which, when taken together, will add up not to solution of East-West relations, but to the tragic shift of strategic superiority to Communist hands. Misconceptions already prevalent concerning the Sino-Soviet dispute amply illustrate the pitfalls of miscalculating Communist intentions. Wishful thinkers view it as a fundamental split in Communist ranks. Realistically, it concerns in no way whether the West shall be buried. Only in dispute are the subsidiary questions of: when? and how?

MILITARY CONSEQUENCES OF THE PARTIAL TEST BAN TREATY

First. U.S. progress in high yield, 30- to 100-megaton weapons will be paralyzed at a time when the Soviets already have achieved these capabilities. The United States gives up entirely its opportunity to cope with the Soviet's massive program of hardening its offensive intercontinental missile bases.

The consequent inability to mete out destruction to Soviet weaponry will decrease the credibility of our deterrent force in direct ratio to increases in Soviet hardening. It is equivalent to cutting back our SAC air squadrons, ICBM bases, and Polaris submarine patrols.

Sufficient Soviet base hardening will progressively leave us threatening only empty launching pads or invulnerable hardened sites. This cannot be expected to deter the Soviets from initiating nuclear war. Our only alternative under these conditions would be to target Soviet cities, which hardly squares with the administration's no city deterrent-targeting doctrine.

Second. U.S. progress in antimissile defense will be either greatly slowed down or paralyzed completely at a time when, according to Khrushchev, the Soviets have solved the problem of antimissile defense. It is to be noted that Soviet claims in the nuclear field have generally been accurate. Their claim relative to having achieved the H-bomb is a notable example. When made, many in the United States scoffed. Nonetheless, it turned out to be quite accurate. The massive construction program now going on at Leningrad's missile defense sites lends credence to the estimate that the Soviets have what they claim regarding ICBM defense and are installing it.

Antimissile defense capability in the hands of the Soviet Union is another way of saying our deterrent against Soviet attack has weakened. It, too, is the equivalent of cutting back our SAC air squadrons, ICBM bases, and Polaris fleet. If the warheads carried by these delivery systems are to be intercepted by Soviet defenses with any degree of efficiency, then they will not loom large as deterrents to Soviet button pushers.

Conversely, the absence of U.S. antimissile capability permits a Soviet first-strike, surprise attack to get through, destroy our deterrent forces before they are put in operation, and thus further reduce U.S. power to deter. Destroyed weapons cannot impose damage upon the Soviet Union greater than can be accepted in return for accomplishment of the Communist objective of world domination. This situation cannot be remedied except by improvement of U.S. antimissile capabilities. This cannot be done well, it cannot be done readily, perhaps it cannot be done at all without atmospheric testing.

Third. The partial test ban treaty introduces the completely new hazard and risk to America of surprise abrogation. This is the situation where, under the cover of the partial treaty, Soviet nuclear weapons scientists would be put to work intensely in weapons laboratories behind the secrecy of the Iron Curtain, all test preparations would be made in strictest secrecy, then the Soviet Government suddenly would announce itself no longer bound by the treaty and promptly initiate an extensive test series.

During this period, which might last for years, U.S. laboratory work would deteriorate in quantity and quality and our capabilities for atmospheric testing also would deteriorate. The net effect would be a quantum jump in Soviet nuclear capabilities which might well gain them decisive nuclear superiority. Under such conditions, the West could expect at the worst a nuclear Pearl Harbor and at best a surrender or die ultimatum.

Fourth. As an alternate to surprise abrogation the Kremlin might simply direct its nuclear laboratories to concentrate exclusively on areas of nuclear development concerned with highly efficient tactical nuclear weapons. This could include the neutron bomb. This type of development can be done conveniently underground. It could be done by the Soviets safely under partial test ban conditions because they are assured that we are not making other nuclear developments with which they must compete.

In any event, we do know that the Soviet Union spends 3½ times the amount spent by the United States on basic military research. This indicates an aim at developing full spectrum military superiority in approximately a decade. This fits well either with the surprise abrogation timetable or with the tactical-neutron development timetable.

Unless one is to be wholly and totally naive, one cannot with any assurance anticipate that Soviet weapons funds released by the partial test ban will be reallocated to consumer goods production. This "refrigerator" argument simply fails to square with any past action ever taken by Communist leaders. Put another way, we can be absolutely certain that whatever financial advantages the Soviet Unions finds in the partial test ban treaty will be utilized to perfect its arsenals, not better its standard of living.

Fifth. If all, or any substantial portion of the foregoing disadvantages occur and result in debilitation of the American deterrent, it is axiomatic that Communist leaders will intensify their efforts

in the cold war areas of conflict between East and West. It could even lead to easier decisions by Communist leaders to engage in limited conventional warfare. This is simply because today, the fearful capacity of the American deterrent cautions Communist leaders against risking lesser types of conflict which might escalate into a nuclear exchange. Any reduction in the relative fearfulness of that deterrent makes it easier for them to be more adventurous in choosing actions which might escalate. Conversely, it places us in a weaker position to control such actions. The threat of nuclear response, heretofore a handy lid to place on them, becomes progressively smaller, less credible, and less effective.

POLITICAL CONSEQUENCES OF THE PARTIAL TEST BAN TREATY

First. Heretofore the U.S. policy of nondissemination of nuclear weapons; that is, the policy against proliferation of weapons to numerous countries, has been a matter of discretion. The partial test ban treaty will commit us indefinitely to the policy. We will not be able to change it without abrogating or at least violating the treaty.

(a) With respect to our NATO allies, this comes at a time when the U.S. policy is seriously weakening the alliance. If the partial treaty results in weakening our deterrent capabilities, as outlined above, Europeans will become less and less inclined to follow our lead. The estrangement will deepen. European defenses will weaken and the dissolution of NATO could well follow. This, for years, has been one of Premier Khrushchev's priority objectives.

(b) With respect to the situation in the Far East, our options in meeting the threat of emerging nuclear capabilities on the part of the Red Chinese will be seriously restricted. It will be impossible to work closely with Japan in creating a nuclear deterrent. The full burden of deterrence will fall on the United States, at the very time its overall deterrent capabilities are seriously weakened because of the treaty.

Second. Any adverse effect on the American deterrent consequent to the treaty is certain to accelerate, rather than decelerate efforts of other countries to obtain their own independent national deterrents. Even if we choose to weaken ourselves, they may not. Proliferation will occur under other countries' terms, not under terms which the United States might impose to make the consequences of proliferation less risky.

It is readily apparent that the partial test treaty raises almost as many difficulties, problems, and risks to U.S. security as a comprehensive treaty. The chief difference is that the U.S.S.R. can conduct underground tests without violating the pact. We still will be unable to determine accurately what underground testing programs they will be carrying on.

JUSTICE ARTHUR J. GOLDBERG RECEIVES DOCTOR OF LAWS DEGREE AT YESHIVA UNIVERSITY.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MULTER. Mr. Speaker, on June 13, 1963, the Yeshiva University honored the distinguished Associate Justice of the Supreme Court, Arthur J. Goldberg, when it conferred upon him the degree of doctor of laws for a career in public service which was crowned by his appointment to the Supreme Court last year.

I commend to the attention of our colleagues the following presentation of Rabbi Joseph Lookstein and Justice Goldberg's address on the occasion of Yeshiva's 32d annual commencement:

PRESENTATION OF THE HONORABLE ARTHUR GOLDBERG

(By Rabbi Joseph Lookstein)

Mr. President, when our eminent guest was Secretary of Labor he was frequently referred to as the Davy Crockett of the New Frontier. He was fond of that appellation because it intimated courage, daring, and vision.

The raccoon hat and the buckskin tunic have since been exchanged for the dignified judicial robe. But the qualities of courage, daring, and vision still remain the proud possessions of the learned, dynamic, and sagacious Justice of the U.S. Supreme Court, the Honorable Arthur Joseph Goldberg.

He is the son of a Russian-Jewish immigrant, the youngest of 11 children. Orphaned of his pious father at the tender age of 8, he learned early in life the pain of adversity and the pangs of hardship. He speaks of himself as an "academic moonlighter," attending Crane Junior College in the morning and De Paul University at night and working in between.

His humble beginnings and admirable perseverance call to mind another youth—the tall, gaunt, and saintly fellow-Illinoisan whose name is holy legend in American history.

It is out of such struggle that character is distilled and noble ambitions inspired. The passion for freedom, justice, and equality is nurtured, often enough, not in palaces and mansions, but in log cabins and in immigrant huts. In such environments, social prophets are made and our distinguished guest is one of them.

Renown has not affected him; prominence did not obscure his essential humanity. Amidst public acclaim he can still hear the cry of the aggrieved and anguished. 'Neath the black robe beats, even more strongly than before, a warm, compassionate and understanding heart.

It is gratifying to realize that this commanding national figure proudly identifies himself with the fortunes of his people and with the traditions of his faith. Many a Cabinet member and Supreme Court Justice who were guests at the Seder service at his home will attest to that.

Mr. President, in his latest opinion written but days ago, our guest defines the phrase "with all deliberate speed" as it applies to the vexing problem of desegregation. For him, it means that the pernicious evil of race discrimination should be removed from our midst forthwith and without delay.

In keeping with the Jewish principle of "measure for measure," it is appropriate sir, that we confer upon Arthur Joseph Goldberg "with all deliberate speed" the degree of doctor of laws, honoris causa.

ADDRESS BY ARTHUR J. GOLDBERG, ASSOCIATE JUSTICE, U.S. SUPREME COURT, YESHIVA UNIVERSITY, JUNE 13, 1963

Mr. President, distinguished rabbis and teachers, this is a redundancy, distinguished guests, graduates, their families and friends. This weekend, and during the last week all over America, commencements were being held.

I would like to tell you in all candor that this commencement has the first claim on my heart. I must tell you that it does not. It has the second claim as my son is graduating on Sunday and obviously that commencement has the first claim on me.

Every commencement speaker has difficulty in defending his role. If Lincoln's great address had any statement most applicable to commencement speeches it was the phrase that a commencement speech is little noted and long remembered. In fact the principal purpose of a commencement speech is kind of to tide over between processional and recessional. It reminded me very vividly of an experience I had just the other day of the same type or I should say of a related type.

I knew when I assumed the high office of the Justice of the Supreme Court, that I was charged with many responsibilities—grave ones indeed—and I was vested under our constitutional system to have extraordinary powers which have challenged the thinking and sometimes raised the doubts of political scientists here and all over the world. The power to declare acts of Congress unconstitutional, the powers to set aside the actions of the Chief Executive of the Nation, the powers to set aside acts of States as unconstitutional.

I must confess that as a lawyer I know that I had those responsibilities and powers and was gravely conscious of this but I did not know that a Jusice of the Supreme Court was vested by the laws of the District of Columbia with the powers to perform marriages, and I discovered this just not so long ago. (Joke about Army soldier who wants to get married on a weekend without proper license. GI asks Justice for a few words to tide couple over.) I shall in this address make a few remarks to tide the graduates over between coming in and coming out.

I am deeply honored to receive this degree from Yeshiva University, greatly respected as it is for its outstanding scholarship and for its uncompromising devotion to intellectual pursuits in the great Jewish tradition.

As an outstanding rabbinical school and a higher institution of learning, Yeshiva University continues to demonstrate that fidelity to Judaism is lawful devotion to the moral heritage upon which our country was founded, and which informs all civilization.

I have discovered in my career that the role of the public official, executive, or judicial, and the role of the scholar, the educated person, are not widely separated, as some believe.

For both executive and judge must depend upon the illumination of the religious sage, the philosopher, the historian, the scholar, to light the way. If we seek as we must seek to lift the poor and deprived and suppressed to better conditions and wider opportunities, if we pursue equal justice for all extending to all the equal protection of the law it is because the prophets, the speculative thinkers, the contemplative men throughout recorded times have inquired into the higher reasons for society, for government and, indeed, life itself. I believe that the ivory tower is a complete fiction. There is no possibility today for noninvolvement in a world in which the salvation of the human race is at stake, nor can there for the average citizen be disengagement from the responsibilities the free man accepts as a part of his birthright. It is freedom itself that imposes this burden upon those who cherish their freedom.

It is commonplace to say that we live in troubled times. Though we have lived in troubled times ever since I sat in your place in 1929, and in 1930, and in 1931, when we were on the eve of terrible events which challenged the very existence of our civilization.

We are in perilous times today and while judges, sworn to, and performing their duties of interpreting the law, can issue decisions which express the conviction that our society by our Constitution is an open society and while Presidents can speak to the Nation and propose legislation to that end and while legislators can deal with the laws that can give strength, vitality, and force to that concept, ultimately these precepts which are the basis for our society will prevail and depend upon you. It will depend upon graduates here and the average man and woman here in the United States. This does not mean that judges cannot educate, that presidents cannot enforce the law and inspire the people and legislators cannot legislate.

This does mean that the sum total of our achievements for the type of society upon which our hopes exist will depend upon the people of the United States, and their dedication to the basic principles of equality and to use our Biblical term from which these principles derive of justice and righteousness and indeed the great challenge of the present hour in America is the response of the people to their commitments to citizenship in our country. Moral commitments if you will, far more than law can or should enforce. But the fact that they are moral commitments does not mean that they do not profoundly effect the course of ways and the future of our country.

The pursuit of education in my opinion has a double and related function. It must, of course, inform the mind, sharpen it; that is one of the purposes. It must also fuel the belly of the student. Unless an education makes you passionately devoted to what is going to be in life, to the great issues of today and tomorrow, and commits you to the obligations that you have toward those issues, the education that you get is a complete failure.

I believe that scholarship, that higher education, have a higher purpose than intellectual satisfaction and stimulation that comes from pursuing the engrossing story of man's culture and meaning; that higher meaning is not only to illuminate the present but to inspire it.

This is one of the things that makes this university appealing to me, and that is that it is founded upon the principle which the Jewish heritage strongly emphasizes: that a man must turn inward and set the true value on our days and works, define the purposes for which we spend the years God has granted to us and ask whether freedom and individual liberty prosper in our cause.

We have been much concerned, as we have had to be throughout all of the time that the graduates of this institution can remember, with foreign affairs. Because if we are not successful abroad, then the survival of freedom is endangered. Again I would like to say to you that I wish that there is as much interest, dedication and devotion to domestic matters as well. We cannot be successful abroad unless we are successful at home.

The measure of our success at home is what we do to make the fruits of our life available to the poor, to the underprivileged, to the prejudiced against, to the discriminated against.

The measure of our success at home is likewise the quality of our institutions. It is to be found in respect for law and obedience to it, by governor and governed alike, in the resolute and enlightened leadership of our executive, in the fully representative character of our legislatures; in the impartiality and integrity of our judiciary and in the moral and ethical standards of our citizens.

The burden of achieving the great heritage of freedom and all that it connotes, derived from Moses, and incorporated into our Constitution belongs, therefore, to all of us. There is no disengagement from the responsibility that every citizen bears to understand our goals and help contribute to their achievement.

You who graduate from this great institution have a special responsibility. I would hope that your education has not only improved the mind but opened the heart as well. Intellectual understanding and human compassion are sorely needed in the complex modern world. Perhaps the best hope of all in the future is that man's curious and inquiring mind will make its progress by the light of an open and warm heart.

This is a new doctrine, this is not a new frontier for life from a man who is now nonpolitical. This is the eternal teaching of the Torah. The prophet Amos demanded hate evil, and love God and establish justice. Of course, it is an often commented fact that righteousness is the Hebrew word for charity.

The burden of achieving the great heritage of freedom and all that it connotes, derived from Moses, and incorporated into our Constitution belongs, therefore, to all of us. There is no disengagement from the responsibility that every citizen bears to understand our goals and help contribute to their achievement.

You who graduate from this great institution have a special responsibility. You have been schooled to understand the moral basis, the ethical structure upon which democratic government depends. And I would hope, I do not advise, I do not think our generation is capable of advising, that I would hope that your education has not only improved the mind but that it has opened the heart as well. Intellectual understanding and human compassion are sorely needed in the complex modern world. Perhaps the best hope of all in the future is that man's curious and inquiring mind will make its progress by the light of an open and warm heart.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FEIGHAN, for 30 minutes, tomorrow, July 24.

Mr. LLOYD, for 2 minutes, for Wednesday, July 24.

Mr. WEAVER (at the request of Mr. ARENDS), for 2 hours, on July 29.

Mr. MARSH, for 2 hours, on Monday, July 29, to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BOLAND.

Mr. NATCHER.

Mr. SCHADEBERG and to include extraneous matter.

(The following Members (at the request of Mr. Bow) and to include extraneous matter:)

Mr. DERWINSKI.

Mr. TALCOTT.

Mr. WALLHAUSER.

Mr. FINO.

Mr. SNYDER.

Mr. DEROUNIAN.

(The following Members (at the request of Mr. HARRIS) and to include extraneous matter:)

Mr. RAINS.

Mr. HEALEY.

Mr. HANNA in two instances.

Mr. UDALL.

Mr. GONZALEZ.

Mr. ULLMAN (at the request of Mr. HARRIS) and to include extraneous matter, notwithstanding the fact it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $630.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 627. An act to promote State commercial fishery research and development projects, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 994. An act to amend the act entitled "An act to create a board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended; to the Committee on the District of Columbia.

S. 999. An act to amend the act entitled "An act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes," approved February 4, 1925; to the Committee on the District of Columbia.

S. 1078. An act to amend the District of Columbia Public School Services Act; to the Committee on the District of Columbia.

S. 1652. An act to amend the National Cultural Center Act to extend the termination date therein, and to enlarge the Board of Trustees; to the Committee on Public Works.

ADJOURNMENT

Mr. HARRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 52 minutes p.m.) the House adjourned until tomorrow, Wednesday, July 24, 1963, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1063. A communication from the President of the United States, transmitting a draft of a proposed bill entitled "A bill to amend the Immigration and Nationality Act, and for other purposes"; to the Committee on the Judiciary.

1064. A letter from the Assistant Secretary of Navy (Installations and Logistics), transmitting information relative to the intention of the Department of the Navy to give certain surplus obsolete material to the city of Roanoke, State of Virginia, pursuant to section 7545 of title 10, United States Code; to the Committee on Armed Services.

1065. A letter from the Secretary of the Treasury, transmitting a report on the activities of the National Advisory Council on International Monetary and Financial Problems during the period July 1 to December 31, 1962, pursuant to the Bretton Woods Agreements Act (H. Doc. No. 144); to the Committee on Banking and Currency and ordered to be printed.

1066. A letter from the Comptroller General of the United States, transmitting a report on the procurement of aluminum caps and cans without adequate pricing data, by the E. I. du Pont de Nemours & Co., Inc., from the Aluminum Co. of America under an Atomic Energy Commission cost-type contract; to the Committee on Government Operations.

1067. A letter from the Archivist of the United States, General Services Administration, transmitting a report on records proposed for disposal under the law; to the Committee on House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. H.R. 7043. A bill to amend the act of March 2, 1931, to provide that certain proceedings of the Veterans of World War I of the United States, Inc., shall be printed as a House document, and for other purposes; without amendment (Rept. No. 571). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 194. Concurrent resolution authorizing the printing of additional copies of the "Pledge of Allegiance to the Flag"; without amendment (Rept. No. 572). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 428. Resolution authorizing the printing of additional copies of the study entitled "The Federal Government and Education"; with amendment (Rept. No. 573). Ordered to be printed.

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 47. Concurrent resolution to print additional copies of certain hearings on effect of television portrayal of crime on young people; without amendment (Rept. No. 574). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 7697. A bill to amend the act entitled "An act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia"; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE:

H.R. 7698. A bill to promote State commercial fishery research and development projects, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CURTIN:

H.R. 7699. A bill to provide that Flag Day shall be a legal public holiday; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 7700. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. GAVIN:

H.R. 7701. A bill to designate the Curwensville Dam on the West Branch of the Susquehanna River at Curwensville, Pa., as the James E. Van Zandt Dam; to the Committee on Public Works.

By Mr. KASTENMEIER:

H.R. 7702. A bill to enforce the constitutional right to vote, to provide injunctive and other relief against discrimination in public accommodations, to authorize suits by the Attorney General to secure civil rights, to provide for the desegregation of public schools, including first-step compliance by 1964, to establish a Community Relations Service, to make the Commission on Civil Rights a permanent agency, to establish a Commission on Equal Opportunity, to protect citizens against lynching and official violence, to protect activities conducted under the authority of constitutional rights, to prohibit discrimination in federally assisted programs, and for other purposes; to the Committee on the Judiciary.

By Mr. LANDRUM:

H.R. 7703. A bill to authorize the acceptance of donations of land and the construction, administration, and maintenance of an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia by the Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TAYLOR:

H.R. 7704. A bill to authorize the acceptance of donations of land and the construction, administration, and maintenance of an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia by the Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LEGGETT:

H.R. 7705. A bill to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of New York:

H.R. 7706. A bill to amend the St. Lawrence Seaway Act to provide that the St. Lawrence Seaway Development Corporation shall not engage in publicity or promotional activities such as free or paid advertising; solicitation of cargoes; publication of ocean, rail, port or motor carrier rate or service comparisons; or other activities that are actually or potentially disruptive to the flow of waterborne trade among ports in the United States; to the Committee on Public Works.

By Mr. ROBERTS of Alabama:

H.R. 7707. A bill to amend the Railroad Retirement Act of 1937 to provide that benefits payable under such act on the Railroad Retirement Act of 1935 shall not be considered as income in determining eligibility of individuals for benefits from the Veterans' Administration; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON:

H.R. 7708. A bill to amend the Tariff Act of 1930 to place horse and mule shoes, together with adjustable calks for such shoes and certain tools, on the free list; to the Committee on Ways and Means.

By Mr. ROUDEBUSH:

H.R. 7709. A bill to amend the act of May 21, 1928, relating to standards of containers for fruits and vegetables, to permit the use of additional standard containers; to the Committee on Science and Astronautics.

By Mr. ST. ONGE:

H.R. 7710. A bill to promote State commercial fishery research and development projects, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SIKES:

H.R. 7711. A bill to confer jurisdiction on U.S. district courts to hear and render judgment on certain claims; to the Committee on the Judiciary.

By Mr. WELTNER:

H.R. 7712. A bill to make available to all retired Government employees and retired military personnel free passes to national parks and monuments under the Department of the Interior; to the Committee on Post Office and Civil Service.

By Mr. BROYHILL of Virginia:

H.J. Res. 566. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.J. Res. 567. Joint resolution authorizing and directing the National Institutes of Health to undertake a fair, impartial, and controlled test of Krebiozen; and directing the Food and Drug Administration to withhold action on any new drug application before it on Krebiozen until the completion of such test; and authorizing to be appropriated to the Department of Health, Education, and Welfare the sum of $250,000; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE:

H.J. Res. 568. Joint resolution exempting the Bistate Development Agency, its affiliates and the transportation rendered by either, whether by motor or rail, within the bistate development district from the applicability of the provisions of the Interstate Commerce Act, as amended, and the rules, regulations, and orders promulgated thereunder; to the Committee on the Judiciary.

By Mr. JONAS:

H. Con. Res. 204. Concurrent resolution expressing the sense of the Congress with respect to a program for paying the national debt; to the Committee on Ways and Means.

By Mr. RIVERS of Alaska:

H. Con. Res. 205. Concurrent resolution to express the sense of Congress on the need for a healthy domestic gold mining industry; to the Committee on Interior and Insular Affairs.

By Mr. BOW:

H. Res. 450. Resolution to create a Select Committee on Problems of Employment; to the Committee on Rules.

By Mr. FLOOD:

H. Res. 451. Resolution to express the sense of the House of Representatives declaring the policy of the United States relative to the intervention of the international communistic movement in the Western Hemisphere; to the Committee on Foreign Affairs.

By Mr. STAEBLER:

H. Res. 452. Resolution creating a standing Committee on Small Business in the House of Representatives, and to grant it full authority in certain legislative matters; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. DADDARIO: Memorial of the Connecticut General Assembly memorializing the Congress to include deputy sheriffs of Connecticut and other States under social security benefit program as self-employed individuals; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the Territory of Guam, memorializing the President and the Congress of the United States relative to submitting certain material relating to Senate bill 1495 and House bill 6225, known as the Guam Rehabilitation legislation, and calling for an appropriation of $56 million in the form of a loan, to be used for reconstruction and rehabilitation of Guam; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER:

H.R. 7713. A bill for the relief of Miss Mamie H. Winstead; to the Committee on the Judiciary.

By Mr. GIAIMO:
H.R. 7714. A bill for the relief of Manuel Lee Sanchez; to the Committee on the Judiciary.

By Mr. GUBSER:
H.R. 7715. A bill for the relief of John Soderman; to the Committee on the Judiciary.

By Mr. MULTER:
H.R. 7716. A bill for the relief of Francesco Bongiovanni; to the Committee on the Judiciary.

By Mr. ST. ONGE:
H.R. 7717. A bill for the relief of Joao Constancio De Gouveia; to the Committee on the Judiciary.

By Mr. GUBSER:
H. Con. Res. 206. Concurrent resolution expressing the appreciation of the American people for the pioneering activities of Dr. Ross Gunn and Dr. Philip Abelson in the development of nuclear power for naval vessels; to the Committee on Armed Services.

EXTENSIONS OF REMARKS

Government Lotteries of Hungary, Iceland, Italy, Luxembourg, and Rumania

EXTENSION OF REMARKS
OF
HON. PAUL A. FINO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. FINO. Mr. Speaker, today, I would like to bring to the attention of the Members of this House the government-run lotteries in more of the European countries. Hungary, Iceland, Italy, Luxembourg, and Rumania are among the 77 foreign nations which utilize government lotteries to raise revenue.

Hungary, in 1962, took in over $73 million in gross receipts. After payment of prizes, the net income to the Government was almost $40 million. The Government devotes a considerable part of the lottery income to housing construction and for development of sports, including construction of sports installations.

Iceland has lotteries which are of a private nature. The resultant income to the Government is derived from duties levied if the prize is an imported one and taxes on the prizes won. One lottery is conducted under the auspices of the University of Iceland. Last year, total gross receipts amounted to over $950,000. The other lottery which was initiated in 1953 provides for the distribution of material rewards such as cars, houses, furnishings, and so forth, to individual ticket holders. The profits from this lottery have been used exclusively for the purchase and maintenance of a domicile for elderly indigent seamen.

Italy operates several lotteries and thus realizes very important revenues. The four Government-operated national lotteries last year took in $4,409,000. The net profit of $2⅓ million was distributed for hospitals, orphanages, educational institutions and various charities. The big lottery took in over $75 million and after payment of prizes, almost $41 million went to the Italian treasury.

Luxembourg is our smallest NATO partner. In 1962, the total gross annual receipts amounted to almost $1½ million. The total annual net income came to almost $400,000 which was used for charitable and welfare programs and for the benefit of numerous medical organizations.

Rumania, although a Communist country, knows the benefits of government-run lotteries. Lottery information from this country is neither published nor made available to foreign officials except that prizes also include automobiles and household appliances.

Mr. Speaker, as we all know, gambling in this country is a $50-billion-a-year industry which is the financial mainstay of organized crime.

Why can we not establish a national lottery in the United States and divert these many billions of dollars into the coffers of the Government where they may work for the public good? Why must we remain blind to the fact that gambling is part of human nature?

A national lottery in this country can easily pump into our own Treasury over $10 billion a year in additional income which can be used to cut our high taxes and reduce our gigantic national debt.

Tribute to Congressman Hjalmar Nygaard

EXTENSION OF REMARKS
OF
HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. DERWINSKI. Mr. Speaker, I join the Members of the House in paying tribute to Hjalmar Nygaard, one of our most respected, able, and beloved colleagues.

Hjalmar Nygaard had established himself as one of the soundest and most dedicated Members of the House. His devotion to our Nation's principles, his interest and support of sound legislative acts was recognized by all of us who associated with him.

He came to Congress with a great record as a State legislator in his home State of North Dakota, and in the period he served in Washington he became recognized as a sound, progressive dedicated legislator—an example for all to follow.

Hjalmar Nygaard served his home communities, his State, and his country with devotion and effectiveness, and left an imprint upon those who were associated with him that will be lasting.

His early training and vocation as a teacher was apparent in the thorough and scholarly fashion in which he analyzed and faced the problems of his constituents, and the spirit of his early vocation was always evident in the concern he showed for individuals, and his willingness to help all of us by passing on to us the knowledge he had obtained in a long and varied career.

I extend my deep sympathy to Mrs. Nygaard and her family, realizing the great loss and sorrow that is theirs. However, the inspiration Hjalmar provided throughout his life remains with us. We are all better because of our friendship and association with him. We share with his family and the people of North Dakota the loss of a conscientious and dedicated public servant.

Survival of a Small Business

EXTENSION OF REMARKS
OF
HON. WILLIAM H. NATCHER
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. NATCHER. Mr. Speaker, we have in the Second Congressional District of Kentucky one of the most remarkable families in the Commonwealth.

The head of this family, Samuel Rosenblatt, was born in Rumania in 1861. Recognizing the absence of opportunity and freedom which was the situation in his country then as now, upon reaching manhood, young Samuel migrated to the United States, leaving behind his wife and children until he could become established in the new land. For his own protection and that of his family, the name Rosenblatt was assumed in place of Braun. After initial stops at Baltimore and Oklahoma, the family traveled to Hancock County, Ky., having been told that it was "God's country."

After one or two business ventures outside of Hawesville, the county seat, Mr. Rosenblatt returned to that community where today, the building which he purchased and the business which he established, stand as a continuing memorial to this man of vision, courage, and tremendous energy. The original store dealt in clothing and groceries and later developed an extensive tobacco business. Through the years Sam Rosenblatt, as he was known and loved, proved his devotion and loyalty to his adopted home and when he died in May 1927, he left a lasting heritage built on faith in and love for his fellow man.

With the change of times the Rosenblatt store now specializes in clothing for the entire family and through the years, this firm has not only furnished its customers quality merchandise but it has provided quality in the truest definition of business ethics. It is now a third generation business carried on by son, Leo, and grandson, Nathan. In a few short

years Nathan's son, Samuel, II, will doubtlessly take his place in this business which has stood firm through depression and prosperity and, on more than one occasion, serious floods. Starting with its founder, the Rosenblatt store is today one of the few small businesses which has survived the onslaught of time and changing conditions by virtue of having been established and continued by men of tireless energy, unquestioned integrity and determination, dedicated to the betterment of their community.

In recent years a floodwall was built to protect this community and now a new bridge is to be erected across the Ohio River at Hawesville, Ky., and Cannelton, Ind. In addition, a new lock and dam is under construction by the U.S. Corps of Engineers at Hawesville and Cannelton. These accomplishments, together with the anticipated new industry which will locate in Hancock County in the future, will bring better times to the citizens in that area and will justify the faith and belief that Leo Rosenblatt, his father and all of his family have had in Hawesville and Hancock County.

Mr. Speaker, as you well know, there are not many small merchants left and those who have diligently struggled for survival against countless odds and accepted the good with the bad and are now an integral part of their community, are to be commended. I, therefore, want to salute Leo Rosenblatt, his son, Nathan, and all the members of their families for their never-ending display of good citizenship, courage, and loyalty to their community.

Mr. Speaker, in Hawesville, Ky., we have an outstanding weekly newspaper, the Hancock Clarion. On July 18, 1963, this newspaper also paid tribute to this remarkable family.

Captive Nations Week

EXTENSION OF REMARKS
OF
HON. GEORGE M. WALLHAUSER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. WALLHAUSER. Mr. Speaker, in connection with the observance of Captive Nations Week, we should concern ourselves with the tragic plight of these subjugated peoples. We must also ask ourselves how we can help them. One billion people in 23 countries suffer under Communist tyranny. They have been deprived of the most fundamental rights of man, including the right of self-determination; but they have not lost hope.

Their spirit of passive resistance represents a crumbling keystone in the Communist arch. We have seen growing nationalism in Poland and open revolt in Hungary and East Berlin. The unreliability of captive armies tempers Soviet urges of aggression. The free spirit of captive peoples must not be taken for granted. Unless the West encourages captive peoples, they will lapse into despair and resignation. We must show them that America adheres to the principle of self-determination and does not consider a free Europe an illusion.

A solemn reiteration of American concern during this week revives the hope of oppressed peoples. But just as religion deserves more than 1 hour a week, captive nations demand more than 1 week a year. Therefore, I call for a Committee on Captive Nations. This year, many Members of this body, including myself, introduced resolutions to create such a committee which would make studies and inquiries concerning conditions in captive nations. The committee would give particular attention to the moral and legal status of Red totalitarian control over nations and to peaceful means of assisting them in their present aspirations to regain national and individual freedoms. The facts of Communist domination should be promulgated at this important and respected level if we wish to explode the myths about the Soviet economy and Soviet unity.

Unfortunately, these resolutions have not been reported and so I again urge a solid expression of support for the proposal. By so doing, we will demonstrate our belief in the power of freemen to prevail and overcome the forces of totalitarianism.

Boy Scout World Jamboree

EXTENSION OF REMARKS
OF
HON. STEVEN B. DEROUNIAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. DEROUNIAN. Mr. Speaker, the Boy Scouts World Jamboree will take place August 1 through 11. Over 12,000 Boy Scouts and leaders from 76 free nations will gather on the historic plain of Marathon, Greece, for the 11th World Jamboree—the free world's largest nonpolitical youth event.

The American contingent is made up of 629 Boy Scouts and on July 19 it was my pleasure to greet those fine young men who are the delegates from Nassau County, N.Y. They are: Richard D. Barr, Eagle Scout, of 14 Locust Lane, Glen Head, N.Y.; William M. Dunn, Life Scout, of 27 Red Maple Drive North, Wantagh, N.H.; George Frooke, Eagle Scout, of 21 Central Drive, Plandome, N.Y.; Arthur W. Gruhn, 1st class Scout, of 480 Windsor Place, Oceanside, N.Y.; William K. Norton, Life Scout, of 66 Andrew Road, Manhasset, N.Y.; and Ralph L. Searles, Eagle Scout, of 76 Park Avenue, Port Washington, N.Y.

The American contingent has been organized into 16 troops. A 17th American troop from the transatlantic council, Boy Scouts of America, which makes scouting possible for American military and other families stationed in European and Mediterranean areas, will join the contingent at Marathon.

In keeping with scouting self-reliance, the cost of the trip for each delegate—$990—was earned by the Scouts themselves through a great variety of after-school and summer jobs. Some local scholarships helped but only partially. In scouting a young man learns to pay his own way and stand on his own feet.

It is refreshing and reinvigorating to observe the activities of this wonderful organization of Boy Scouts and its world jamboree comes at a most significant time.

President Kennedy's Immigration Proposals Will Eliminate Harsh National Origins Quota System and Take Humane Approach for Selection of Immigrants—Benefits Relatives of American Citizens in Portugal, Italy, and Greece With Aim Toward Reuniting Families

EXTENSION OF REMARKS
OF
HON. EDWARD P. BOLAND
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. BOLAND. Mr. Speaker, I am extremely pleased that legislation was filed today by our esteemed colleague, the gentleman from New York, Congressman CELLER, to implement President Kennedy's sweeping new immigration proposals outlined in his message of today.

Ever since coming to Congress in January 1953, I have sponsored similar legislation to liberalize the national origins quota system which has worked inhumane hardships on the relatives of American citizens who remained behind in the Mediterranean-southern European countries, particularly in Portugal, Italy, and Greece. Under our present law, these quotas are based on the number of Americans who migrated from the old country and had gained citizenship before the 1920 census. Naturally, this worked a hardship on the Portuguese, Italians, and Greeks, because they were in the latter waves of migration to this country just before and after World War II. This system did not adversely affect the peoples from northern European countries.

President Kennedy's proposed changes in the law will eliminate the national origins quota system by 20 percent per year over a 5-year period, and thereafter will place all quota numbers in one pool. Therefore, unused quota numbers from northern European countries will benefit the split families of American citizens who remained behind in these—the split families of American citizens who have been forced by our present restrictive immigration law to remain behind in southern European countries.

Also, President Kennedy's proposals include the elimination of preference quota for the mothers and fathers of American citizens. This phase of the Kennedy proposal can mean the almost immediate migration of some 3,500

southern European parents to these shores to be reunited with their loved ones who are now American citizens, subject, of course, to enactment of these proposals by Congress.

Mr. Speaker, some quick calculations and analysis of this Kennedy immigration proposal would indicate that as many as 100,000 more people can be admitted to the United States annually over and above the present quotas based solely on national origin. This, I think, is the humane approach to select immigrants for the United States, based on the need for uniting families or the compelling need for seeking new opportunities in America, rather than the distasteful national-origin basis which has been a cornerstone of our immigration laws for 40 years. I hope that early hearings will be held on President Kennedy's proposals with a view toward enacting the new immigration changes this year.

Let Actions Speak More Loudly Than Words

EXTENSION OF REMARKS
OF
HON. BURT L. TALCOTT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. TALCOTT. Mr. Speaker, so many false statements are made in an effort to defeat the bracero program that it is difficult to find time to refute them all. Some are so patently false that one would ordinarily assume they would not be believed by anyone. But apparently, sometimes a false statement is so often repeated that it becomes believed by some who do not analyze the facts or the statement.

One such false statement is that farm jobs are so few and far between that there are hundreds of thousands of unemployed farmworkers in the United States. The fact is that there is none. Any farmworker—or nonfarmworker, also please note—who wants to work in the row-crop vegetable industry—average wage about a $1.40 per hour—can work today in California. Such jobs are going begging right now.

Whenever there is a bracero in the United States, there is a job for a domestic in the United States—in fact and by law.

The employment of a single bracero in my district has the same effect as hoisting a green flag to the top of the employment office. The employment of the first bracero is advertised widely by the State department of employment, the department of labor, by employment agencies, and among farmworkers and industrial workers. Each year with the first bracero, swarms of derelicts, alcoholics, and unemployed from the big cities of San Francisco, Oakland, Stockton, and Sacramento are brought or sent to the Salinas Valley. If they can present themselves and stand during a brief interview, they are referred or taken to a field and the grower is required to hire him and pay him promptly no matter how many hours he stays in the field. He may do no constructive work; in fact, he may—and often does—damage the crops; but nevertheless the bracero law requires that he must be paid immediately when he wants to quit.

Preposterous? I once thought so. But ask any farm placement worker or anyone who has actually been in the fields. It is true. Our laws protect the worker well. The point is, anybody can get a job in agriculture during harvest seasons. He can work for 1 hour or 6 months, whatever he prefers. If he prefers to work 1 hour—and some do—he will earn at least $1 and on the average about $1.40. This, of course, brings the average days a farmworker works per year down considerably. It also lowers the average yearly income of the farmworker considerably.

Anybody can find a row-crop vegetable harvesting job during the summer at a wage higher than he can earn in any other industry. Anyone who thinks he can disprove this statement may do so simply by producing a single, unemployed, able-bodied man or woman, with sight, above 18 years of age in the Salinas Valley. If opponents of Public Law 78 cannot produce such an unemployed person, I think they should no longer shout so loudly. Actions should speak more loudly and more persuasively than naked words in congressional hearings or records.

Constitutional Government

EXTENSION OF REMARKS
OF
HON. M. G. (GENE) SNYDER
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. SNYDER. Mr. Speaker, I am glad to report the people of the Third District of Kentucky overwhelmingly support constitutional government and would rather solve problems with local individual initiative instead of looking to the Federal Government as a cure-all.

I thank the people of Louisville and Jefferson County for their cooperation in helping me to be a better Representative in Congress by giving me their opinion and views on some of the major issues we face.

Mr. Speaker, based on over 16,000 replies, the results of my questionnaire follow:

	Percent		
	Yes	No	No opinion
1. Should a Federal old-age medical care program be instituted with social security taxes?	31.0	62.3	6.7
2. Do you believe the Federal budget should be kept in balance during peacetime years?	82.5	7.3	10.2
3. Do you favor the admission of Red China into the United Nations?	11.4	81.6	7.0
4. Do you have confidence in President Kennedy's ability to handle our foreign policy?	44.1	39.1	16.8
5. Do you approve of the policy of selling military equipment to Communist-controlled countries?	3.0	91.8	5.2
6. Should the Committee on Un-American Activities be abolished?	11.5	71.1	17.4
7. Do you support President Kennedy's proposal for a Domestic Peace Corps?	39.3	48.7	12.0
8. Do you favor an income tax cut which would result in a bigger national debt—that is, without a reduction in spending?	13.8	80.4	6.3
9. Do you favor President Kennedy's proposal for Federal aid to the transportation industry?	17.4	59.0	23.6
10. Do you think that labor unions should be subject to the antitrust laws to the same extent as industry?	83.8	8.6	7.6

Public Law 78

EXTENSION OF REMARKS
OF
HON. HENRY B. GONZALEZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. GONZALEZ. Mr. Speaker, among the arguments we have heard in defense of Public Law 78 is that it has solved the wetback problem; that is, it has cut down on the number of illegal entrants into this country from Mexico. In other words, we have managed to solve the wetback problem by legalizing the wetback.

We are told that termination of Public Law 78 would mean a return of the wetback problem. I submit that this is more of a threat than an argument. According to this logic, any significant reduction in the number of braceros would mean a corresponding increase in the number of wetbacks. During the past few years the number of braceros has been reduced sharply—in 1962 the number of braceros was less than half of the 1956 total. Yet there has been no great increase in the number of illegal entrants into this country. Why not? Because the United States has improved its enforcement of the immigration laws. I submit that we could eliminate the whole bracero program and still not have a great wetback problem. All we would need to do is see that the law is enforced.

Duty Free Measurement Instruments

EXTENSION OF REMARKS
OF
HON. RICHARD T. HANNA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. HANNA. Mr. Speaker, as you know, H.R. 2874 is presently on the Union Calendar awaiting action by the House. This bill would remove electronic microscopes from the present duty free status. We commend this bill to the

House for its early consideration and passage.

The beneficiaries of the duty free status are France, England, and Germany. At least two of these are within that group of common market countries which have within the last few days taken action seriously impairing the export of the United States as competitive products in their lands. Although we would not like to see a trade battle in which duty barriers became increasingly high, and, therefore, all world trade seriously damaged, on the other hand, where there are competent manufacturers of products within the United States who are put at a competitive disadvantage by products from countries who at the same time refuse fair competition to our exports, we are forced to take a rather tough position in order to protect our domestic producers.

As to the particular bill, H.R. 2874, may we state for the RECORD that Beckman Instruments, Inc., which is in the 34th Congressional District which I am proud to represent, is one of a number of California companies producing instruments fully as competent and of competitive quality to those imported presently duty free. The Research programs and employee levels of the Beckman Co. and others in this business are seriously threatened by a situation in which we find that the import of foreign competitive instruments are not only free, but come from countries who levy import duties on U.S. instruments, and in many cases flatly refuse import licenses on any basis.

Mr. Speaker our instrument industries are essential to our national defense and our future advancement in space research. Our laws, therefore, as a matter of national concern, should assure their development and well being should not be threatened by an unfair competition from countries who refuse to take a fair free trade position with the United States.

Detailed Explanation of the Interest Equalization Tax Proposal of the Administration

EXTENSION OF REMARKS
OF
HON. AL ULLMAN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. ULLMAN. Mr. Speaker, under leave heretofore granted me to extend my remarks in the CONGRESSIONAL RECORD, I am inserting in the RECORD, for the information of the Members of Congress and the interested public, a detailed explanation of the interest equalization tax proposal of the administration along with other supporting information on this proposal. I would like to point out that the detailed explanation is dated July 18 and since that time there have been three Treasury releases relating to the original proposal which I am also including. These three releases contain certain modifications in the original proposal which are self-explanatory.

As you know, this tax is being proposed so as to help alleviate our continuing very serious balance-of-payments problem. It is a part of a coordinated series of actions on the part of the administration to correct our balance-of-payments deficit. Although I am personally opposed to the increase in the discount rate by the Federal Reserve System, I am in complete accord with the equalization tax proposal and other parts of this coordinated program.

DETAILED EXPLANATION OF THE INTEREST EQUALIZATION TAX

1. GENERAL DESCRIPTION OF THE TAX

The proposed interest equalization tax is a special excise tax to be imposed through the end of 1965 on the acquisition of foreign stock, securities, or obligations, other than those specifically exempted. The tax is payable by all U.S. persons, including organizations exempt from Federal income tax. It is based on the actual value of the interest acquired; in the case of debt securities or obligations, the rate of tax will vary with the period remaining until maturity. The tax applies to portfolio purchases of foreign securities, whether representing new or already outstanding issues, and whether the acquisition is effected in the United States or abroad. It does not apply, however, to purchases of securities presently held by Americans.

The tax will not generally be applicable to direct investments by U.S. persons in overseas subsidiaries or affiliates, nor will it apply to any indebtedness payable upon demand or maturing in less than 3 years. Moreover, loans made by commercial banks in the ordinary course of their banking business will be exempted. The tax will not be applied to purchases of securities issued by international organizations of which the United States is a member, governments of countries considered to be less developed, and corporations whose principal activities are centered in less developed countries.

The tax is not a stamp tax. A U.S. person who acquires any foreign stock or debt obligation will be required to file a return and pay the tax at the time of filing. The first of such returns will be due at the end of the first full calendar month following the end of the calendar quarter in which implementing legislation is enacted and will cover all prior acquisitions subject to its provisions. Returns thereafter will be due at the end of the calendar month following each calendar quarter in which a U.S. person makes any acquisition subject to the legislation.

The tax is applicable to acquisitions occurring after the date of the President's message in which it was proposed. Since an acquisition is deemed to occur when the purchaser first becomes unconditionally obligated to buy, the tax does not apply to purchase commitments made on the open market on or before the date of the President's message, or to other purchases which the buyer on that date was unconditionally obligated to make. Substantial evidence will be required, however, to demonstrate the existence of such an obligation. The tax is also inapplicable to acquisitions made within 60 days after the date of the President's message if the foreign stock or debt obligation acquired was covered by a registration statement filed with the Securities and Exchange Commission within 90 days prior to the date of the President's message.

This tax will not be deductible for Federal income-tax purposes, but will be included in the adjusted basis of the foreign stock or debt obligation acquired.

2. RATE AND COMPUTATION OF TAX

The tax is based upon the actual value of the interest acquired, actual value being determined under principles established by the Treasury regulations pertaining to the documentary stamp tax on original issues of stock. Under these rules, the price agreed upon by parties dealing at arm's length in a transaction subject to no special conditions constitutes actual value. (See Treasury Regulation § 47.4301–1(b)(2)(ii).)

In the case of stock or other equity interests, the rate of tax is 15 percent. In the case of debt obligations, the rate of tax is a percentage varying in accordance with the period remaining before maturity, as follows:

Maturity and tax rate

	Percent
At least 3, but less than 3½ years	2.75
At least 3½, but less than 4½ years	3.55
At least 4½, but less than 5½ years	4.35
At least 5½, but less than 6½ years	5.10
At least 6½, but less than 7½ years	5.80
At least 7½, but less than 8½ years	6.50
At least 8½, but less than 9½ years	7.10
At least 9½, but less than 10½ years	7.70
At least 10½, but less than 11½ years	8.30
At least 11½, but less than 13½ years	9.10
At least 13½, but less than 16½ years	10.30
At least 16½, but less than 18½ years	11.85
At least 18½, but less than 21½ years	12.25
At least 21½, but less than 23½ years	13.05
At least 23½, but less than 26½ years	13.75
At least 26½, but less than 28½ years	14.35
At least 28½ years or more	15.00

In determining the rate of tax applicable to the acquisition of an obligation, the actual period of time beginning with the date of acquisition and ending at maturity is taken into account. The maturity of an obligation is deemed to be the latest date on which, under its terms, the amount payable to the holder of such obligation may remain outstanding. Thus, for example, the 13.75 percent rate applies if payment is not absolutely required in less than 23½ years. Where an obligation is renewable without affirmative action manifesting consent on the part of the holder, the period to maturity is considered to include any renewal period. Any extension of the term of an existing obligation through affirmative action on the part of the holder will be regarded as the acquisition of a new debt obligation with a remaining period to maturity equal to the remaining life of the old obligation plus the extension period.

The computation of the tax may be illustrated by the following examples:

Example 1

On June 1, 1964, A, a U.S. citizen, purchases from B, a nonresident alien, 20 year bonds of X, a foreign government, having an actual value of $20,000. The bonds mature on December 31, 1974, and therefore have a remaining period to maturity of 10 years and 7 months. Assuming that the transaction is not exempt, A would incur a tax of 8.30 percent of the actual value of the bonds or $1,660.

Example 2

The facts are the same as in example (1) except that, under the terms of the bonds, the obligation is automatically renewable for an additional period of 10 years if the holder does not demand payment within 30 days following the elapse of the initial term. The period to maturity is deemed to include the renewal period of 10 years. Accordingly, assuming that the transaction is not exempt, A would incur a tax of 12.25 percent of the actual value of the bonds or $2,500.

Example 3

In 1962, C, a domestic corporation, acquires from Y, a foreign corporation, 5-year promissory notes of Y with a face value of $17,500. In 1965, C surrenders the notes to Y in ex-

change for new 30-year bonds of Y. The new bonds have an actual value of $18,000. The period to maturity is deemed to include the entire period to maturity of the new bonds, or 30 years. Accordingly, assuming that the transaction is not exempt, C will incur a tax of 15 percent of the actual value of the new bonds or $2,700.

Example 4

In January of 1964, D, a U.S. citizen, acquiries from Z, a foreign corporation, on original issue, its 15-year bonds, having an actual value of $10,000. Under the terms of the indenture securing the issue bonds, a sinking fund is to be accumulated by Z and used at the end of each year to retire bonds to be selected by lot. The bonds are considered to have a maturity of 15 years. Accordingly, assuming that the transaction is not exempt, D would incur a tax of 10.30 percent of the actual value of the bonds or $1,030.

3. PERSONS SUBJECT TO THE TAX

Every U.S. citizen, every resident individual or partnership, and every domestic corporation, estate or trust is subject to the tax. These terms have the meaning already assigned to them by the Internal Revenue Code; such persons are generally referred to as U.S. persons. Determination of liability for the tax is made as of the time of acquisition, and later changes in status have no effect. As set forth in paragraph 7, however, foreign stock or debt obligations cannot be acquired free of tax from a person who has not been a U.S. person throughout his entire period of ownership of such interest or continuously since the date of the President's message.

These rules may be illustrated by the following examples:

Example 1

In 1964, A, a U.S. trust, all the beneficiaries of which are nonresident aliens, acquires stock in N, a foreign corporation. Assuming that the transaction is not exempt, A is subject to tax.

Example 2

On June 1, 1964, B, a citizen and resident of foreign country X, acquires bonds of foreign corporation O. On July 1, 1964, B becomes a resident of the United States and on July 15, 1964, acquires additional bonds of O. The June 1, 1964, acquisition of bonds by B is not subject to tax, and no tax is payable by B upon becoming a U.S. resident. However, assuming that the transaction is not exempt, the July 15, 1964, acquisition is subject to tax.

4. INTERESTS THE ACQUISITION OF WHICH IS SUBJECT TO TAX

The tax applies to the acquisition of any stock, security or other debt obligation of any international organization, foreign government (including any agency or political subdivision thereof), foreign corporation, partnership, estate or trust, or a nonresident alien individual, unless acquisition of the stock or obligation is covered by an exemption described in paragraph 5 or such transaction is an excluded acquisition described in paragraph 7. The status of the shareholders of a foreign corporation, members of a foreign partnership or beneficiaries of a foreign estate or trust is irrelevant for this purpose. The tax applies to the acquisition of any stock or obligation, whether or not negotiable and whether or not represented by a certificate or other writing, including any shares representing beneficial interest in an organization which would be taxable as a corporation under the provisions of section 7701 of the Internal Revenue Code if subject to U.S. tax. Limited partnership interests would be treated as stock.

Acquisition of a depository receipt or other evidence of interest in any of the foregoing is treated as an acquisition of the underlying asset. Options, warrants and rights to acquire foreign stock or obligations are subject to tax unless received in a distribution which is not considered a taxable acquisition, as described in paragraph 6.

5. INTERESTS THE ACQUISITION OF WHICH ARE EXEMPT FROM TAX

Exemptions from the tax are provided for acquisitions of interests which do not fall within the area of long-term capital outflows to which the tax is designed to apply. These exemptions relate to the type of interest acquired.

Short-term indebtedness: The tax does not apply to the acquisition of any indebtedness payable upon demand or within 3 years of the date of acquisition. Thus, acquisition of a long-term obligation may qualify under this exemption if the obligation is due or overdue (and therefore payable upon demand) when acquired or payable within 3 years thereafter. The rules for fixing the period to maturity in order to determine the applicable tax rate, set forth in paragraph 2, also apply in determining whether an obligation is payable within 3 years. Accordingly, where an obligation is automatically renewable without affirmative action on the part of the holder, it is not considered an exempted short-term indebtedness unless the entire unexpired term, including any renewal periods, totals less than 3 years.

Commercial bank loans: Also exempted from the tax are acquisitions representing loans made for commercial purposes by banks in the ordinary course of their banking business. This exemption applies even if the maturity of the loan exceeds the minimum 3-year period. It is irrelevant whether the loan is evidenced by a note or other evidence of indebtedness. The exemption does not extend, however, to investment banks, trust companies or others not regularly engaged in a commercial banking business. Where a person is engaged both in the commercial banking business and in other businesses or activities, only those transactions related solely to the commercial banking business are exempt.

Required reserves of insurance companies: An acquisition of foreign stock or debt obligations is exempt from the tax if made by a corporation in the normal course of an insurance business conducted in one or more foreign countries (and not with the intent to sell such interests or offer them for sale to any U.S. person), to the extent that the interests acquired are, or would have been, required to be held in connection with such business by application to such business of foreign laws which were in force on the date of the President's message. Thus, a company insuring risks in a foreign country which requires the holding of reserves relating to such risks in local securities or obligations would be permitted to acquire free of tax the holdings necessary to meet such requirement with respect to its business. The exemption extends, however, only to the extent that the foreign country does not, after the date of the President's message, enact more stringent reserve or holding requirements. The test is not the amount of holdings on the date of the President's message; if, by applying the foreign law in effect on such date, increased local holdings are, or would have been, required (for example, to reflect higher levels of insurance in force), acquisitions necessary to achieve the needed increase are exempted. If, however, the increased holdings are required by changes in the applicable foreign law, acquisitions designed to meet the changed requirement are not exempt from the tax.

Direct investment: The tax does not apply to the acquisition of a direct investment in a foreign subsidiary or affiliate. Under this exemption, any acquisition of the stock or debt obligations of a foreign corporation is free of the tax if the U.S. person immediately following the acquisition owns at least 10 percent of the total combined voting power of all classes of stock entitled to vote. The 10 percent test is applied without regard to the attribution rules prescribed by various provisions of the Internal Revenue Code. The exemption for direct investment applies to purchases of stock or obligations of the foreign corporation from third parties as well as loans and capital contributions made directly to it.

An acquisition qualifying as a direct investment is denied the exemption, however, if the foreign corporation is formed or availed of by the U.S. person for the purpose of acquiring any stock or obligation which could be subject to tax if acquired directly, unless the foreign corporation makes such acquisition: (a) in the normal course of a commercial banking, securities underwriting or brokerage business conducted in one or more foreign countries; or (b) in the normal course of an insurance business conducted in one or more foreign countries, to the extent that the interests acquired are, or would have been required to be held in connection with such business by application to such business of foreign laws which were in force on the date of the President's message. This rule is designed to prevent avoidance of the proposed tax by indirect acquisitions through foreign affiliates, while leaving free of tax investment in affiliates which acquire securities interests in the normal course of their active business activities.

An acquisition otherwise qualifying as a direct investment loses its exemption as such if made with the intent of selling or offering for sale to any U.S. person any stock or obligation acquired. This rule will prevent avoidance of the tax through a combination of the direct investment exemption and the exclusion from the tax of later acquisitions by other U.S. persons purchasing from the direct investor.

The principles set forth in this section may be illustrated by the following examples:

Example 1

On January 13, 1964, A, a U.S. citizen, acquires 100 shares of the only class of stock of foreign corporation N, which immediately thereafter has a total of 1,000 shares outstanding. N acquires no stock nor any obligations having a maturity of 3 years or more. A's acquisition of the 100 shares of N stock is exempt from tax as the acquisition of a direct investment.

Example 2

The facts are the same as in example (1), except that later in 1964, A lends N $100,000, taking a 5-year promissory note in return. A's acquisition of the indebtedness of N is exempt from tax as the acquisition of a direct investment.

Example 3

The facts are the same as in example (1), except that later in 1964 A purchases from R, a nonresident alien, an additional 50 shares of the stock of N. A's acquisition of the 50 shares is exempt from tax as the acquisition of a direct investment.

Example 4

The facts are the same as in example (1), except that N is a foreign personal holding company, engaged solely in investing and trading in stock and obligations of foreign persons. Since N is availed of by A for the purpose of acquiring interests which would be subject to tax if acquired directly by A, A's acquisition of the 100 shares of N stock is not exempt as the acquisition of a direct investment.

Example 5

The facts are the same as in example (1), except that N acquires 100 percent of the voting stock of foreign corporation O, which acquires no stock or obligations of foreign

persons. A's acquisition of the 100 shares of N stock is exempt from tax as the acquisition of a direct investment, since the interest acquired by N in O would, if acquired directly by A, be exempt from tax as the acquisition of a direct investment.

International organizations: The tax is also inapplicable to acquisitions of obligations of international organizations of which the United States is a member. This exemption does not extend to purchases of obligations of foreign persons, even though these obligations are acquired from an international organization of which the United States is a member.

Less developed countries: The tax is not applicable to the acquisition of obligations issued or guaranteed by the government of a less developed country or an agency or subdivision of such a government. Nor is it applicable to stock or obligations of a corporation which, during its last annual accounting period prior to the acquisition, meets the definition of a "less developed country corporation" in section 955(c) of the Internal Revenue Code by reason of conducting an active business in countries designated as less developed for purposes of this tax. This includes companies which meet the standards of section 955(c)(2) by reason of their deriving income from aircraft or vessels registered under the laws of a designated country. The exemption would also be available for new issues of stock or obligations of a corporation which establishes to the satisfaction of the Secretary or his delegate that it has met these tests for a period of 60 days prior to the issuance of such stock or obligations and that it may reasonably be expected to continue to meet such tests for such period as the Secretary or his delegate may deem appropriate.

The countries to be considered less developed countries for the purposes of this exemption will be designated in an Executive order to be issued by the President. For the interim period prior to the issuance of an order under the new legislation, all countries designated as less developed by Executive Order No. 11071, dated December 27, 1962, will be considered to be less developed for purposes of this tax. This includes all countries, and oversea territories and possessions of countries (other than countries within the Sino-Soviet bloc) except the following: Australia, Austria, Belgium, Canada, Denmark, France, Germany (Federal Republic), Hong Kong, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Republic of South Africa, San Marino, Spain, Sweden, Switzerland, and United Kingdom.

The designation of a country as a less developed country could be terminated by a further Executive order after 30 days' notice to the Congress. Any termination will not affect the treatment of acquisitions occurring prior to the issuance of the terminating Executive order.

6. TAXABLE ACQUISITIONS

In general, any acquisition of stock or debt obligations of a foreign issuer or obligor will be subject to tax unless specifically exempted. It is irrelevant whether, for Federal income tax purposes, the transaction in which such interest is acquired would be characterized as a sale or exchange, a contribution to capital, a loan, or otherwise. The fact that the acquisition occurs as part of a transaction which is tax free for Federal income tax purposes does not mean that it is exempt from this tax. A contribution to the capital of a foreign corporation will be considered an acquisition of a stock interest in such corporation, whether or not any new shares or certificates are issued. A contribution of foreign stock or obligations to the capital of a domestic corporation constitutes a taxable acquisition by such corporation. The pledge or mortgage of stock or obligations as security for a debt will not be considered an acquisition by the pledgee or mortgagee, but any subsequent foreclosure, collection or purchase will constitute a taxable acquisition.

When a U.S. person acquires an option, warrant or right to acquire foreign stock or obligations, the acquisition is limited to the option, warrant or right itself; and tax is computed on the actual value of that interest alone, at the rate applicable to the stock or obligations which may be acquired on exercise. A later exercise is considered a separately taxable acquisition; and the tax is then computed on the actual value of the interest then acquired, less the value of the option, warrant or right previously taxed. Conversion of an obligation into stock of the same issuer will be considered an acquisition subject to tax, but the amount will be reduced by the amount of tax appropriate to the acquisition of the obligation.

The distribution as a dividend of stock or obligations, or rights to acquire the same, will not be considered an acquisition. This is true whether or not such distribution is tax free for Federal income tax purposes. In addition, the tax will not be payable upon the receipt by a domestic corporation of stock or obligations in a foreign corporation, or its distribution of such stock or obligations to its shareholders, pursuant to a reorganization described in section 368(a) of the Code. These rules will permit the continued acquisition of foreign securities in cases where no outflow of capital from the United States is involved.

Gifts, legacies, bequests and similar donative transfers will not be treated as taxable acquisitions.

The fact that the acquiring person is an underwriter, dealer or other person engaged in the distribution of securities will not exempt him from tax. Thus, if an underwriter makes a firm purchase of securities the acquisition of which is subject to tax, this constitutes a taxable acquisition, even though the acquisition constitutes part of an underwriting distribution which contemplates the resale of the securities by the underwriter. (An exclusion in the case of resales to foreigners is set forth in paragraph 7. Subsequent acquisitions by Americans in the distribution process would not bear the tax under the rules relating to nontaxability of acquisitions from other American persons, described in paragraph 7. Exclusion of brokers and agents' transactions is also described in paragraph 7.)

If any security is acquired on behalf of a U.S. person by a nominee, the U.S. person is liable for the tax. Any acquisition by a U.S. person will be deemed to be for his own account and not as a nominee unless the person furnishes adequate proof that the acquisition was for the account of another person, whether a U.S. person or a foreigner.

To prevent avoidance of the tax through interposition of foreign entities, the transfer of cash or other property by a U.S. person to a foreign trust or partnership will be considered the acquisition of a taxable interest, unless it is first established to the satisfaction of the Secretary or his delegate that the foreign trust or partnership will not acquire stock, securities or obligations, the direct acquisition of which by the U.S. person would give rise to the tax.

The rules set forth in this section may be illustrated by the following examples:

Example 1

In 1964, A, a U.S. citizen, purchases for $1,000 warrants entitling him to purchase at any time within 2 years 100 shares of the common stock of M, a foreign corporation, at a total price of $10,000. Assuming that the transaction is not exempt, the acquisition of the warrants by A is subject to tax based upon the actual value of the warrants ($1,000 if A was dealing at arm's length and no special conditions affected the transaction).

Example 2

The facts are the same as in example (1), except that later in 1964, A exercises the warrants. The shares acquired on exercise have an actual value at that time of $12,000. Assuming that the transaction is not exempt, the acquisition of shares of M stock by A is subject to tax based upon the actual value of the shares at the time of their acquisition ($12,000), less the actual value of the warrants at the time of their acquisition ($1,000) or $11,000.

Example 3

B, a domestic corporation, receives as a dividend distribution from foreign corporation N rights to acquire the stock of foreign corporation O. B's acquisition of these rights is not a taxable acquisition.

Example 4

C, a U.S. citizen, is a stockholder in domestic corporation P. Pursuant to agreement, foreign corporation R acquires all of the stock of P in return for voting stock of R, in a transaction which qualifies as a reorganization under section 368(a)(1)(B) of the Internal Revenue Code. P distributes the voting stock of R to C in exchange for his stock in P. Prior to the reorganization, the Commissioner of Internal Revenue issues a ruling under section 367 of the Internal Revenue Code that the exchange pursuant to the reorganization was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes. Neither the acquisition by P nor the acquisition by C of the voting stock of R is considered a taxable acquisition.

Date of acquisition: An acquisition is deemed to occur when a U.S. person first becomes unconditionally obligated to acquire the stock or debt obligation involved. In the normal open market purchase, this occurs on the trade date, that is, the date when the order to purchase is executed. It is irrelevant when legal title passes to the acquiring person, when certificates or other evidence of interest are delivered, or when any payment or other performance by the purchaser occurs. If the obligation of the U.S. person to acquire the interest is subject to conditions precedent which are more than mere nominal conditions, the acquisition will not be deemed to occur until those conditions have been satisfied. For example, if the obligation of a U.S. lender to purchase promissory notes of a foreign corporation is subject to the purchaser's receipt on the closing date of an opinion of counsel that the notes are duly issued and binding obligations of the issuer, the acquisition will not be deemed to occur until that opinion has been delivered.

7. NONTAXABLE ACQUISITIONS

An acquisition will not be subject to tax if it constitutes merely a broker's or agent's transaction, if the acquisition is from another U.S. person, or if it is made by an underwriter or dealer for resale to foreigners as part of an underwriting distribution.

Brokers' and nominees' transactions: The tax would not apply to the acquisition by a broker or his nominee of foreign stock or securities solely for the purpose of enabling the broker to sell or accept delivery of the stock or securities on behalf of his customer. A transfer into the name of a selling agent, such as a bank, would generally be subject to tax, although no liability would be incurred if a certificate or other evidence of interest is merely delivered to an agent who acquires no legal title or other interest in the underlying stock or security. An underwriter acting only on a "best efforts" basis therefore will not bear the tax. Several technical exemptions will be made in the case of transfers of legal title without change in beneficial ownership. These rules gen-

erally follow those applied under the stock and securities transfer taxes.

Acquisition from another U.S. person: An acquisition of stock or debt obligations by a U.S. person from another person who has been a U.S. person during the entire period of his ownership of the stock or debt obligations (or continuously since the date of the President's message) will not be subject to tax. In determining whether he is exempted from tax by this rule, the purchaser will be entitled to rely upon a certificate supplied to him, attesting to the prior U.S. ownership. This certificate is to be executed either by the former owner or by the nominee of the former owner. The signature must be guaranteed by a bank or member of the National Association of Securities Dealers. Where the certificate is executed by a nominee, it will not be necessary to reveal the name of the actual owner to the purchaser; but the nominee will be required to maintain adequate records to identify the U.S. person for whose account the securities were held and to establish such owner's U.S. citizenship, residence or incorporation during his period of ownership. While it is anticipated that the certificate in the great majority of cases will be delivered to the purchaser at the time of delivery of the related security, it could be delivered within any reasonable period of time thereafter. Temporary forms of certificates which the Treasury Department will accept on an interim basis will be made available promptly by the Internal Revenue Service.

The effect of this rule will be to exempt from the tax stock and debt obligations which are held by U.S. persons on the date of the President's message, and to assure that only one acquisition tax will be paid on such interests thereafter acquired, so long as continuous U.S. ownership is maintained. A person who has not maintained his status as a U.S. person during the entire period of his ownership of a security (or continuously since July 18, 1963) would be unable to execute the certificate referred to above; this rule is intended to prevent abuse of the U.S. exemption through changes in residence status or place of incorporation.

Brokers, dealers and their nominees will be permitted under regulations prescribed by the Secretary or his delegate to utilize simplified certificate procedures where a large volume of transactions executed through other brokers or dealers are involved.

Anyone executing a false certificate will be liable for the tax that would otherwise have been collected from the purchaser upon the acquisition and to criminal and civil penalties. The purchaser, however, will still be absolved of any tax liability unless he has actual knowledge of fraud committed in the execution of the certificate.

Underwriters or dealers reselling to foreigners: Any U.S. underwriter or dealer who resells foreign stock or securities to foreigners, as part of the distribution of a new issue offered to the public, will be exempted from tax otherwise payable upon his acquisition of the stock or securities. Any person claiming this exemption will be required to report his acquisition, specify the manner in which such stock or securities were distributed, and attach to his appropriate return certificates of American ownership covering such stock or securities, executed by the underwriter or any dealer participating in the distribution and selling the interests to any person other than a U.S. person. Thus, for example, an underwriter, as part of an underwriting, may sell stock to a U.S. dealer who buys them for his own account. The underwriter is tentatively subject to the acquisition tax and may properly execute and deliver to the dealer a certificate of American ownership covering such stock. If the dealer does not in turn deliver a certificate of American ownership when he resells the stock, he may execute such a certificate with respect to the stock and return it to the underwriter. The underwriter may then claim exemption by filing the proper return and attaching the dealer's certificate. The dealer remains exempt from tax by virtue of the certificate of American ownership received from the underwriter.

In general, any resale by an underwriter or dealer will be subject to this rule if made within the period of time provided in the underwriting agreement for the distribution of the underwritten issue.

Payment of tax must, however, be made by the underwriter or dealer upon filing of the return covering the period during which his acquisition occurred if the conditions for exemption have not then been fulfilled; and sales will not be considered to be part of the distribution of the issue unless it can be clearly established that the stock or securities sold are part of the seller's allotment or participation.

8. EFFECTIVE DATE

As previously indicated the tax will be applicable to acquisitions occurring after the date of the President's message, an acquisition being deemed to take place when a binding commitment is made to acquire the interest involved. The tax will not be imposed, however, on acquisitions of stock or securities covered by a registration statement (or, in the case of an open-end investment company, a posteffective amendment) filed with the Securities and Exchange Commission on, or within 90 days prior to, the date of the President's message where such acquisitions occur within 60 days after the date of the President's message. This rule relates only to the number of shares or face amount of indebtedness set forth in the registration as of the date of the President's message; if the number of shares or face amount of indebtedness covered by the registration statement is increased by amendments filed after that date, none of such interests may be acquired free of tax. Other amendments to the registration statement will not affect the taxability of acquisitions.

This provision is designed to avoid hardship to foreign issuers with public offerings of securities in an advanced stage of preparation. The rules providing cutoff dates are designed to prevent abuse of the exception, either through reactivation of old filings of registration statements subsequently "put on the shelf" or in cases where a long-term exemption might otherwise be achieved under a registration statement contemplating a continuing public offering over a substantial period of time (as might be the case, for example, under a registration of shares offered by a foreign investment company).

9. MISCELLANEOUS PROVISIONS

Returns and payment of tax: Every U.S. person making an acquisition of foreign stock or debt obligations which is subject to tax will be required to report that transaction by filing a return. In addition, a return will be required with respect to transactions which do not bear the tax because of prior American ownership or because of the exemption for interests resold by underwriters or dealers to foreigners. Returns will not be required with respect to interests the acquisition of which is exempt as described in paragraph 5 or with respect to brokers' or similar transactions described in paragraph 7.

The first of such returns will be required to be filed on or before the last day of the first full calendar month following the end of the calendar quarter in which implementing legislation is enacted and will cover all transactions subject to the legislation occurring on or before the last day of such calendar quarter. Thereafter, returns will be required to be filed on or before the last day of the calendar month following the end of the calendar quarter in which an acquisition is made. All acquisitions for the covered quarter may be reported in the same return. Payment of any tax due on transactions reported in the return must accompany it. If the person filing the return has received any Certificate of American Ownership and claims exemption from tax on a transaction by reason of the prior American ownership shown in such certificate, the certificate must accompany the return. As described in paragraph 7, a certificate must also be submitted when an underwriter or dealer claims exemption by reason of resale to a foreigner.

Administrative provisions: Provision will be made for the application of the civil and criminal penalties for the failure to file returns, filing of fraudulent returns, the willful failure to file a return or to pay tax, etc., which are provided in the case of other Federal taxes. Interest on underpayment or nonpayment of the tax will also be collectible. The period of limitations for assessing the tax or for filing a claim for refund of taxes paid will be comparable to that provided in the case of Federal income taxes.

TREASURY DEPARTMENT,
Washington, D.C., July 20, 1963.

July 19 remains the effective date of the interest equalization tax, recommended by President Kennedy, on purchases of all foreign securities outside of the United States, the Treasury said today.

Following the President's message on July 18, the Treasury announced a delay to August 16 as the date from which purchases of outstanding foreign securities would be subject to the rules of the proposed tax, if those purchases were effected on U.S. national securities exchange registered with the Securities and Exchange Commission.

The delay does not apply to transactions carried out on foreign securities exchanges nor to transactions in the United States or elsewhere which are not carried out through U.S. registered securities exchanges. The recommended effective date of the proposed tax on such transactions, and for taxable newly issued foreign securities purchased by American investors, remains July 19.

The Treasury and representatives of the exchanges are currently developing the detailed procedures involved in applying the rules of the proposed tax to transactions on these U.S. exchanges.

TREASURY DEPARTMENT,
Washington, D.C., July 21, 1963.

JOINT CANADIAN-UNITED STATES STATEMENT

Representatives of Canada and the United States met in Washington during the weekend to appraise the impact on the Canadian financial markets of the proposed U.S. "interest equalization tax."

The two Governments recognize the need for effective action to improve the balance-of-payments positions of both countries and both are equally determined that such action shall not impair the intimate economic relationships between the two countries, nor impede the growth essential for both economies.

For many years the capital markets of the two countries have been closely interconnected, and U.S. exports of capital to Canada have financed a substantial portion of the Canadian current account deficit with the United States. This need continues. A portion of these flows must be supplied through the sale of new issues of Canadian securities in American markets. United States officials had considered that ample flows for these needs would continue under the proposed "interest equalization tax." However, Canadian representatives stated that this would require a very substantial rise in the entire Canadian interest rate structure. It was recognized by both governments that such a development would be

undesirable in the present economic circumstances.

In the light of this situation U.S. officials agreed that the draft legislation to be submitted to the Congress would include a provision authorizing a procedure under which the President could modify the application of the tax by the establishment from time to time of exemptions, which he could make either unlimited or limited in amount. The President would thus have the flexibility to permit tax-free purchases of new issues needed to maintain the unimpeded flow of trade and payments between the two countries, and to take care of exceptional situations that might arise in the case of other countries. U.S. officials made clear that this did not modify their proposals regarding the taxation of transactions in outstanding securities; over the past year such transactions between Canada and the United States have not been a major factor.

The Canadian authorities stated that it would not be the desire or intention of Canada to increase her foreign exchange reserves through the proceeds of borrowings in the United States, and it is the hope and expectation of both Governments that by maintaining close consultation it will prove possible in practice to have an unlimited exemption for Canada without adverse effects on the United States.

It was agreed that active consultations would continue to strengthen the close economic relations between the two countries and at the same time facilitate measures for making the maximum practicable contribution to economic expansion and the strength and stability of both currencies.

The conversations which were conducted in the U.S. Treasury on Saturday and Sunday included for Canada, Ambassador Charles S. A. Ritchie; Louis Rasminsky, Governor of the Bank of Canada; A. F. W. Plumptre, Assistant Deputy Minister of Finance; and A. E. Ritchie, Assistant Under Secretary of State for External Affairs; for the United States, Douglas Dillon, Secretary of the Treasury; George Ball, Under Secretary of State; Robert V. Roosa, Under Secretary of the Treasury for Monetary Affairs; and Stanley Surrey, Assistant Secretary of the Treasury.

TREASURY DEPARTMENT,
Washington, D.C., July 18, 1963.

The Treasury Department announced today that purchasers of foreign securities traded on a national securities exchange registered with the Securities and Exchange Commission would not be subject to the interest equalization tax proposed by the President in his message to the Congress today on purchases made on such exchanges prior to and including August 16, 1963.

TREASURY DEPARTMENT,
Washington, D.C., July 19, 1963.

INFORMATION ON PROPOSED INTEREST EQUALIZATION TAX

BACKGROUND

The President today announced a series of coordinated actions to reinforce the administration's program to correct the U.S. balance-of-payments deficits, including a request for an interest equalization tax, to be effective July 19, 1963. This special temporary excise tax would remain in effect through 1965. The Federal Reserve System has also announced an increase of one-half percent in the discount rate and a rise in the ceiling interest rate permitted to be paid by banks on time deposits.

The move by the Federal Reserve System should, without constricting credit generally, increase short-term interest rates in the United States relative to those abroad and thus help to dampen the outflow of short-term funds from the United States. During 1962, that outflow amounted to $0.5 billion on recorded account; and unrecorded transactions showed a further loss of $1.0 billion, the bulk of which is believed to represent short-term capital. The short-term capital outflow has continued in substantial volume so far this year.

A parallel reinforcing measure, upon which congressional action has been requested, involves a special interest equalization tax applicable to certain portfolio transactions that entail longer term capital movements from the United States. The pressure of the heavy flow of domestic private savings into the U.S. capital market, combined with our highly developed and efficient market facilities, have been reflected in a level of long-term borrowing costs in this country far below those prevailing in most industrialized countries abroad. These domestic savings are consequently also overflowing abroad in large volume. It is not expected that longer term borrowing costs in this country will change appreciably following the change in the discount rate and related short-term market rates, given this ample supply of domestic savings.

At the same time, however, the long-term rates appropriate to domestic needs invite a volume of securities sales in the United States by foreigners that places heavy strains on our balance of payments. In 1962 $1.1 billion of new foreign long-term securities were sold to U.S. interests; and sales of new foreign securities in the U.S. market are running at a substantially higher rate this year. Purchases of outstanding foreign bonds and equities by U.S. interests have also been large and have substantially increased in 1963.

The administration for some time has pointed out that a portion of these foreign needs for capital now met from U.S. sources might more appropriately be satisfied in the borrower's own market or by countries with balance of payments surpluses. The imposition of the proposed tax will encourage this process by tending to equalize costs of longer-term financing in the United States and in markets abroad, reducing the incentive to raise capital in the United States simply to take advantage of a possible interest cost saving. The tax, to be applied to purchases by U.S. interests of foreign securities sold by foreigners, would introduce a differential of approximately 1 percent between capital costs of domestic and foreign borrowers seeking funds in the U.S. market.

The tax will thus complement the action of the Federal Reserve System designed to influence short-term rates, without impeding access to the American market by foreigners unable to find longer-term funds available on reasonable terms elsewhere nor preventing purchase of foreign securities by American interests. Allocation of funds for investment in foreign securities and the determination of securities to be offered in the U.S. market would continue to be the result of market prices and decisions. Accordingly, the interest equalization tax serves domestic and international needs in a way that supports the essential freedom of our trading and financial markets, and fulfills our special responsibilities at the center of the financial system of the free world. By relying on the uniform and nondiscriminatory application of an excise tax, this method of influencing aggregate American purchases of foreign securities assures that selection among issues will be freely made on the basis of the same considerations that would prevail if the entire structure of long-term interest rates were raised by 1 percent.

GENERAL DESCRIPTION OF THE TAX

The interest equalization tax would be a special temporary excise tax, to remain in effect through 1965, imposed on the acquisition of stock, securities or other obligations of foreign issuers or depositary receipts or other evidence of interest in, or rights to acquire, such interests. The tax would be payable by all U.S. citizens, residents, and corporations, including organizations exempt from Federal income taxes. The tax would apply to portfolio purchases of stock or debt securities issued by foreign corporations, governments, or other persons, whether such securities represented new or already outstanding issues and whether the acquisition was effected in the United States or abroad. It would not apply, however, to purchases of interests presently held by Americans.

The tax would not be applicable to direct investments by U.S. persons in oversea subsidiaries or affiliates, nor would it apply to acquisition of any indebtedness payable upon demand or maturing in less than 3 years. Moreover, loans made by commercial banks in the ordinary course of their banking business would be exempted. The tax would not be applied to purchases of securities issued by international organizations of which the United States is a member, governments of countries considered to be less developed, and corporations whose principal activities are centered in less developed countries. An underwriter or dealer would be exempted from the tax on acquisitions of stock or obligations resold to foreigners as part of the underwriting of a new issue.

The tax would be applied to acquisitions occurring after the date of the President's message. It would not apply to purchase commitments made on the open market on or before that date or to other purchases which the buyer on that date was unconditionally obligated to make. Exemption from the tax would also be provided for purchases made within 60 days after the date of the President's message if the security purchased were covered by a registration statement filed with the Securities and Exchange Commission within 90 days prior to the date of the President's message.

RATE OF TAX

The tax, which would be based on the value of the security acquired, would be imposed at the rate of 15 percent in the case of stock. In the case of debt securities, the rate of tax would be geared to the remaining period to maturity, ranging from 2.75 percent to 15 percent, as follows:

Maturity and tax rate

	Percent
At least 3 years, but less than 3½ years	2.75
At least 3½ years, but less than 4½ years	3.55
At least 4½ years, but less than 5½ years	4.35
At least 5½ years, but less than 6½ years	5.10
At least 6½ years, but less than 7½ years	5.80
At least 7½ years, but less than 8½ years	6.50
At least 8½ years, but less than 9½ years	7.10
At least 9½ years, but less than 10½ years	7.70
At least 10½ years, but less than 11½ years	8.30
At least 11½ years, but less than 13½ years	9.10
At least 13½ years, but less than 16½ years	10.30
At least 16½ years, but less than 18½ years	11.35
At least 18½ years, but less than 21½ years	12.25
At least 21½ years, but less than 23½ years	13.05
At least 23½ years, but less than 26½ years	13.75
At least 26½ years, but less than 28½ years	14.35
At least 28½ years or more	15.00

The tax would not be deductible for Federal income tax purposes but would be included as an item of cost in the tax basis for the stock or obligation acquired.

LIABILITY FOR THE TAX

The U.S. person making a taxable acquisition would be liable for the tax, which would be collected through the filing of returns. The first of such returns would be due at the end of the first full calendar month following the end of the calendar quarter in which legislation imposing the tax is enacted and would cover all prior acquisitions subject to the legislation. Returns would thereafter be due at the end of the calendar month following each calendar quarter in which a U.S. person made any acquisition. This would not be a stamp tax; no obligation to compute or collect the tax would be imposed on the issuer or seller, or any underwriter, dealer, broker, or transfer or deposit agent (except with respect to his own purchases).

EXCLUSION OF SECURITIES PREVIOUSLY HELD BY AMERICANS

An acquisition from another U.S. person would not be subject to tax. To permit tracing of securities covered by this exclusion, a U.S. transferor would execute a certificate attesting that he was a U.S. citizen, resident or corporation during the period of his ownership of the security. A nominee would be permitted to attest that the security had been held for the account of a U.S. person if such nominee kept adequate records to identify the actual owner of the securities and such owner's U.S. citizenship, residence or incorporation. The signature on any certificate would be required to be guaranteed by a bank or member of the National Association of Securities Dealers. In determining his liability for the tax, a purchaser would be entitled to rely on any such certificate. While the certificate might be delivered along with the security in most cases, it could be delivered within a reasonable time thereafter.

There are attached temporary forms of certificates, together with instructions and sample filled-in forms, which the Treasury Department will accept in fulfillment of these requirements pending enactment of the legislation by the Congress and issuance of regulations and forms thereunder. These interim forms will be made available promptly by the Internal Revenue Service, and facsimile reproductions conforming to the requirements of Revenue Procedure 61–31, 1960–2 Cum. Bull. 1003, will be accepted.

EXPLANATION OF EXEMPTIONS

As indicated above, no acquisition would be subject to the tax if the obligation acquired is payable upon demand or within 3 years of its acquisition. Most trade financing transactions will fall within this exception. In addition, the exemption of loans made by commercial banks in the ordinary course of their banking business will permit tax-free trade financing on a longer term basis.

Direct investments in oversea subsidiaries and affiliates would be exempted from the tax. A direct investor would be defined as one who owns at least 10 percent of the total combined voting power of all classes of stock of a foreign corporation entitled to vote. If a U.S. person qualified as a direct investor, his acquisition of both stock and debt securities of the foreign corporation would be exempted. This exemption would be denied, however, if the foreign corporation were formed or availed of by a U.S. person for the purpose of acquiring securities which would be subject to tax if acquired directly, unless the foreign corporation acquired the securities in the normal course of a commercial banking, securities underwriting, or brokerage business conducted in one or more foreign countries. Insurance companies would be exempted from tax on the acquisition of foreign securities in the normal course of a foreign insurance business carried on either directly or through subsidiaries, to the extent that the securities acquired are, or would have been, required to be held in connection with such business by application to such business of foreign laws which were in force on the date of the President's message.

Purchases of securities issued by any international organization of which the United States is a member would not bear the tax. This would exempt purchases by Americans of the obligations of such organizations as the International Bank for Reconstruction and Development and the Inter-American Development Bank.

The exemption for acquisition of securities issued by governments of less-developed countries would include purchases of securities issued by any corporation with the guarantee of such a government, as well as securities of political subdivisions.

The exemption for purchases of securities issued by corporations operating in less-developed countries would apply to any corporation which for its last annual accounting period prior to the acquisition by the U.S. person had conformed to the definition of a "less-developed country corporation" in section 955(c) of the Internal Revenue Code, by reason of conducting an active business in one or more countries designated as less developed for purposes of this tax. The exemption would also be made available for the securities of any foreign corporation which established to the satisfaction of the Secretary of the Treasury or his delegate that it had met these standards for a period of at least 60 days prior to issuance of its securities and might reasonably be expected to continue to meet them for such period as the Secretary or his delegate may deem appropriate to carry out the intent of this exemption.

The countries which would be considered less developed for this purpose would be designated in an Executive order to be issued by the President. For the interim period prior to the issuance of this Executive order, all countries designated by Executive Order No. 11071 dated December 27, 1962, as less developed countries for purposes of the Revenue Act of 1962, would be considered less developed countries. This includes all countries, and oversea territories and possessions of countries (other than countries within the Sino-Soviet bloc), except the following: Australia, Austria, Belgium, Canada, Denmark, France, Germany (Federal Republic), Hong Kong, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Republic of South Africa, San Marino, Spain, Sweden, Switzerland, and United Kingdom.

The designation of a country could be terminated by further Executive order, but such termination would not affect acquisitions of securities occurring prior to issuance of the Executive order.

FORM 3625 (July 1963) U.S. TREASURY DEPARTMENT INTERNAL REVENUE SERVICE	CERTIFICATE OF AMERICAN OWNERSHIP INTEREST EQUALIZATION TAX (See instructions on reverse)		
Name of transferor	Address of transferor		Social security number or employers identification number if any
The foregoing hereby certifies that he was the actual owner of:			
Number of shares or face amount of security	Certificate number if any	Name of issuer or obligor	Class of stock or description of security
From: Date of acquisition or July 18, 1963, whichever is later		To: Date of transfer	
And that during all of this time he was a U.S.— ☐Citizen ☐Resident ☐Corporation ☐Trust or ☐Estate			
Signature (if corporation, partnership, trust or estate, give title)			Date
Signature guarantee (see instructions)			Date

INSTRUCTIONS

NOTE.—The term "foreign securities" as used herein means stock, securities, or other obligations of foreign issuers or obligors or depositary receipts or other evidence of interest in, or rights to acquire, such interests.)

Purpose: The Congress is considering proposed legislation which would impose a tax on purchases and certain other acquisitions of foreign securities by U.S. citizens, residents, and other U.S. persons, including tax-exempt organizations.

The proposed tax, which would be effective July 19, 1963, does not apply to the purchase or other acquisition of securities from U.S. citizens, residents or other persons who had such a domestic status either during the entire period of their ownership or continuously since July 18, 1963.

This certificate is designed to provide information needed to determine whether the purchase or other acquisition of the foreign securities qualifies for exemption from the tax.

Who may execute certificate: This form may not be executed by anyone other than a transferor of foreign securities who was a U.S. citizen, resident, or other U.S. person throughout the period of his ownership or continuously since July 18, 1963.

Who must secure the certificate: This form or an acceptable substitute (see below) properly completed must be secured by the purchaser of the foreign securities from the seller if he wishes to claim exemption from the tax on the transaction and has not secured a certificate from the nominee of the seller.

When to file: The certificate should be retained until the Congress acts upon the proposed legislation. At that time further instructions will be issued by the Treasury Department.

Signature guarantee: The signature guarantee must be executed by a bank or a member of the National Association of Securities Dealers.

Substitute forms: Substitutes for the form will be accepted provided they contain all the information required by the form and are certified in the same manner.

Nominee: This form may not be executed by a nominee. Certifications to acquire exemption from the tax on the transfer of foreign securities held by nominees are to be made on form 3626.

[Example]

Form 3625 (July 1963) U.S TREASURY DEPARTMENT INTERNAL REVENUE SERVICE	CERTIFICATE OF AMERICAN OWNERSHIP INTEREST EQUALIZATION TAX (See instructions on reverse)	
Name of transferor: Ajax Securities Corp.	Address of transferor: 39 North Broadway, New York, N.Y.	Social security number or employers identification number, if any: 64-1816829

The foregoing hereby certifies that he was the actual owner of:

Number of shares or face amount of security	Certificate number if any	Name of issuer or obligor	Class of stock or description of security
$100,000	72-135-72-234	Foreign Widgets, Inc.	5½ percent 1st maturity bonds of 1972.

From: Date of acquisition or July 18, 1963, whichever is later	To: Date of transfer
July 18, 1963	July 30, 1963

And that during all of this time he was a U.S.—
☐ Citizen ☐ Resident ☐ Corporation ☐ Trust or ☐ Estate

Signature (If corporation, partnership, trust or estate, give title)	Date
Ajax Securities Corp. by John Drinker, President	Aug. 5, 1963
Signature guarantee (see instructions) Dealer & Co. by L. R. Dealer, Secretary	Date Aug. 5, 1963

Form 3626 (July 1963) U.S. TREASURY DEPARTMENT INTERNAL REVENUE SERVICE	CERTIFICATE OF AMERICAN OWNERSHIP BY NOMINEE INTEREST EQUALIZATION TAX (See instructions on reverse)	
Name of nominee	Address of nominee	Social security number or employers identification number if any

The foregoing hereby certifies that (1) he is a registered nominee under sec. 4351(a) of the Internal Revenue Code and (2) that, on the date of transfer indicated below, he held, as nominee for the actual owner, the following securities:

Number of shares or face amount of security	Certificate number, if any	Name of issuer or obligor	Class of stock or description of security

And (3) that the person for whom he was acting as nominee actually owned these securities:

From: Date of acquisition or July 18, 1963, whichever is later	To: Date of transfer

And (4) that during all of this time such person was a U.S.—
☐ Citizen ☐ Resident ☐ Corporation ☐ Trust or ☐ Estate

Signature (If corporation, partnership, trust, or estate, give title)	Date
Signature guarantee (see instructions)	Date

INSTRUCTIONS

(NOTE.—The term "foreign securities" as used herein means stock, securities or other obligations of foreign issuers or obligors or depositary receipts or other evidence of interest in, or rights to acquire, such interests.)

Purpose: The Congress is considering proposed legislation which would impose a tax on purchases and certain other acquisitions of foreign securities by U.S. citizens, residents, and other U.S. persons, including tax exempt organizations.

The proposed tax which would be effective July 19, 1963, does not apply to the purchase or other acquisition of securities from U.S. citizens, residents or other persons who had such a domestic status either during the entire period of their ownership or continuously since July 18, 1963.

This certificate is designed to provide information needed to determine whether the purchase or other acquisition of the foreign securities qualifies for exemption from the tax.

Who May Execute Certificate: This form may not be executed by anyone other than a registered nominee acting for a seller of foreign securities who was a U.S. citizen, resident or other U.S. person throughout the period of his ownership or continuously since July 18, 1963. While a nominee executing this form need not identify the actual owner, he should maintain sufficient records to support the statements certified herein.

Who Must Secure the Certificate: This form or an acceptable substitute (see below) properly completed must be secured by the purchaser of the foreign securities if he wishes to claim exemption from the tax on the transaction and has not secured a certificate from the seller.

When to File: The certificate should be retained until the Congress acts upon the proposed legislation. At that time further instructions will be issued by the Treasury Department.

Signature Guarantee: The signature guarantee must be executed by a bank or a member of the National Association of Securities Dealers.

Substitute Forms: Substitutes for the form will be accepted provided they contain all the information required by the form.

Actual Owners: This form may not be executed by the actual owner of the foreign securities being transferred. Certification by the actual owner should be made on form 3625.

[Example]

Form 3626 (July 1963) U.S. TREASURY DEPARTMENT INTERNAL REVENUE SERVICE	CERTIFICATE OF AMERICAN OWNERSHIP BY NOMINEE INTEREST EQUALIZATION TAX (See instructions on reverse)	
Name of nominee: Member, Inc.	Address of nominee: 222 South Wall St., Chicago, Ill.	Social security number, or Employers identification number if any: 64-2334232

The foregoing hereby certifies that (1) he is a registered nominee under sec. 4351(a) of the Internal Revenue Code and (2) that, on the date of transfer indicated below, he held, as nominee for the actual owner, the following securities:

Number of shares or face amount of security	Certificate number, if any	Name of issuer or obligor	Class of stock or description of security
300	LZ-23-456	Widgets, Inc.	Common stock

And (3) that the person for whom he was acting as nominee actually owned these securities:

From: Date of acquisition or July 18, 1963, whichever is later	To: Date of transfer
July 30, 1963	Aug. 30, 1963

And (4) that during all of this time such person was a U.S.—
☐ Citizen ☐ Resident ☐ Corporation ☐ Trust or ☐ Estate

Signature (If corporation, partnership, trust, or estate, give title)	Date
Member, Inc., by Ralph Miller, Vice President	Sept. 4, 1963
Signature guarantee (See instructions) National Bank of New York, by Henry Roe, Vice President	Date Sept. 4, 1963

Tender, Loving Index

EXTENSION OF REMARKS
OF
HON. MORRIS K. UDALL
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. UDALL. Mr. Speaker, I have been pleased to observe the manner in which my colleague, the gentleman from Arizona, the Honorable GEORGE F. SENNER, JR., has gone about his job of representing the people of the new Third District of Arizona since he first came to Washington last January. I have particularly noted the fact that he studies issues and votes on the basis of his own judgment and convictions. The gentleman from Arizona, Congressman SENNER, is obviously nobody's rubberstamp.

However, this is not the impression given readers of that eminent journal of ultraconservative bias, the Dan Smoot Report. In a recent issue that publication rated the voting records of the Members of Congress, and it seems, the gentleman from Arizona, Congressman SENNER, did not rank too high. In fact, he received a rating of zero. Noting this fact, the gentleman from Arizona [Mr. SENNER] wrote a report for his constituents which I think deserves the attention of all who find their names occasionally on Mr. Smoot's tender, loving index. The report follows:

I recently learned that I flunked a test administered by that illustrious gentleman, Dan Smoot.

For those of you who may not know him, Mr. Smoot is a Texan who publishes a weekly magazine called the Dan Smoot Report, and conducts a weekly news analysis broadcast on radio and television. He is a self-styled guardian of the Constitution, although there is some question as to which constitution Mr. Smoot is guarding.

In his May 27 report, Mr. Smoot listed recorded rollcall votes on several pieces of legislation with this explanation: "Rollcall tabulations in this report are unique in that we try to select only those votes which reflect a stand for or against constitutional principles." To clarify matters, Mr. Smoot carefully defines a liberal as one who votes against what he considers to be constitutional principles. By implication, therefore, a Smoot conservative is one who votes for Smoot's constitutional principles.

It appears that out of 535 Congressmen there are only 58 who voted for Mr. Smoot's constitution every time. The rest were either on his side just part of the time or else opposed his ideas every single time as I did—along with 148 other Congressmen.

The real significance of Dan Smoot and his report is that he represents a certain type of fuzzy thinking that unfortunately exists in America today. For this reason, I believe a useful purpose can be served by examining some of the issues selected by Mr. Smoot to test the patriotism of those men and women elected to Congress by the people of America.

SILVER LEGISLATION (H.R. 5389)

Basically, this bill withdraws silver backing of paper currency. According to Smoot, "This bill to demonetize silver certificates would create a greater drain on our gold reserve, and speed arrival of the day when foreigners may decide to wreck our entire economy by foreclosing on the gold in our monetary reserve." Anyone voting for the bill was a liberal and an anticonstitutionalist, which therefore included 258 Representatives and 68 Senators.

What the Texas wizard either deliberately failed to mention or simply did not know was that the free world cannot supply enough silver for our coin mintage needs. Therefore, unless this legislation had passed it would soon have become necessary to purchase silver from Iron Curtain countries. Apparently, therefore, Mr. Smoot must believe that the Constitution—his Constitution—requires this country to give aid and comfort to the Communists by purchasing their silver with our gold for this monetary silver certificate.

Incidentally, in voting for this bill, I found myself on the same side of the fence as such noted "liberals" as JOHN RHODES, Senator KARL MUNDT, Senator HARRY BYRD, Senator BOURKE HICKENLOOPER, Congressman JOEL BROYHILL, Congressman CRAIG HOSMER, and Senator JOHN TOWER.

RULES COMMITTEE (H. RES. 5)

Permanent enlargement of the House Rules Committee by two members. According to Mr. Smoot, "The sole purpose was to give totalitarian liberals a majority, thus handicapping conservative opposition to administration proposals."

Assuming his reasoning to be accurate, which it wasn't, then Mr. Smoot has labeled all 145 members of the Republican conference as "totalitarian liberals" since that group voted unanimously to enlarge the committee by two members, providing the composition was 9 Democrats and 6 Republicans.

Furthermore, Smoot's frightening assumption that one small group should determine what legislation the body of elected Representatives will or will not be permitted to consider, in my opinion refutes his stated belief in American constitutional principles.

Interest Rates and Balance of Payments

EXTENSION OF REMARKS
OF
HON. RICHARD T. HANNA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 23, 1963

Mr. HANNA. Mr. Speaker, Secretary Dillon and the Treasury Department, in their recent presentations to Congress and their recent actions on interest rates, gave a classic example of the man who jumps astraddle a single horse and rides off in two different directions. No one has more vigorously pumped for the President's proposed tax reduction reforms measure; no authority has pleaded more effectively for the need for energizing and enlivening our economy. No person's predictions portraying the persistent specter of recession has been more persuasive than has Mr. Dillon's. Yet, this same Secretary, this same Department, has in the last few days taken steps to tighten credit. Such a move has characteristically and promptly put the brakes on the domestic economy. When used as a counteroffensive for inflation it has been a reasonable and effective tool. Now it appears that the tool has a double cutting edge. The administration is intrigued with its potential as a possible deterrent to the outflow of short-term investment capital. Moving up interest rates on short-term investments at home, it is reasoned, will induce the outflow to stay in the United States. Aside from the fact that available information gives less than comforting assurance that such results will follow, the contradictions implicit in this move vis-a-vis the tax reduction are potentially apparent.

We cannot accept the quieting assurance of Mr. Roosa that the 0.5-percent increase in the Federal Reserve System discount rate will not affect the "whole interest rate structure." Such an observation is about as accurate as saying water will not run downhill.

Increase in the discount rate represents an additional cost of doing business for the banks. Who do you suppose is going to pay this cost? Why, the banks' customers naturally, the borrowers. And, who are these borrowers? Consumers, other financial leaders, and commercial credit sources, of course. The ultimate payer of this cost will be John Q. Public, the consumer, regardless of what avenue of financing be pursued. For those sources not tied directly to the banks for a portion of their funding the usual competitive factors of the marketplace will assure their advance. We feel that a present accurate prediction can be made that the Department's encouragement to the Federal Reserve bank to increase discount rates to the bankers of the United States, will very shortly reflect an observable increase in the "whole short-term interest rate structure," within the domestic economy. Such an increase will represent an additional curb on an already seriously hampered economic growth situation.

The real "cat out of the bag" exposure of the inconsistency in the Treasury position is illuminated by the candid quotation contained in the Wall Street Journal story of July 10 of this year. Quoting the Secretary, the Journal states:

> The possibility of this kind of interest rate action having little effect on the economy is hinged on the tax bill.

Now we take this to mean that the Secretary here could be admitting the validity of Chairman Martin's position that the "heaviest cloud over the economy at present is the balance-of-payment problem." It would appear that the administration is now willing to gamble off a portion of the tax increase effect for economic expansion in another skirmish in the battle for a better balance-of-payment position. However, we may lose sight of the fact that by prearranging a portion of the tax cut benefits by this indirect earmarking of a portion of the tax cut money for the lending segment of the economy, in effect, there is a preempting of the decision of Congress as to what "mix" of benefits in the tax reform would best serve the national interests.

No informed person should be unmindful of the perplexing complexities and

the built-in frustrations that our present fiscal position in international affairs holds. Nor should we be unmindful of the paradoxes posed by the superimposition of our domestic economic challenges. However, we respectfully submit that the program set forth in the President's recent message contains a proliferation of temporary plugs for a continuing perforated dike which stands between the United States and the outflow of its gold.

We must acknowledge the ingenuity and inventiveness of the staff of both the Treasury and the Federal Reserve Board in manipulating the inhouse materials to jerry-build a defense against the continued outflow of capital funds. To the administration's credit they fully recognize this fact as reflected in the final paragraphs of the President's message of July 17, 1963.

Obviously, the limited expansion of the world's gold reserve and the unlimited future expansion of the world's economy and trade poses the real and fundamental problem. The pressures of competition for the existing gold supply will not cease because of the temporary measures currently being taken. The ingenuity and sophistications of the capital control centers are far too resourceful. The growing demand for the means to support the productivity and industrialization of the nations of the world will stimulate that resourcefulness. It can be predicted now that we are only at the beginning of a jerry-built structure answering to the new threats just around the corner, unless some more flexible, fluid, and effective international monetary structure, with real velocity propensity, is provided. We have the boys with their fingers in the leaks at the old dike but what we should like to know is that the architects and engineers are working at the real solution to be found only in the new structure.

Former President Perez Jimenez

EXTENSION OF REMARKS
OF

HON. HENRY C. SCHADEBERG

OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1963

Mr. SCHADEBERG. Mr. Speaker, only a few more days remain before Secretary of State Rusk must hand down his decision whether or not former President Perez Jimenez is to be extradited back to Venezuela, to be delivered into the hands of the Betancourt leftist government. Despite the unctuous protestations that he will be given a fair trial, you and I know that, if he is sent back, he goes to almost certain death at the hands of his political enemies.

I would like to think that the administration has an open mind on this extremely controversial case. When we are dealing with an ex-President, it has always been the custom of our Government to assume that his alleged offenses, while in office, were political, and hence not extraditable under our extradition treaties. In the whole history of our Nation, we have never yet delivered a Latin American ex-President, who came to us asking political asylum, into the hands of his political enemies for liquidation. Why this is now proposed in the case of former President Perez Jimenez is one of the occult mysteries of the New Frontier. Can it be that the turning over of Perez Jimenez was the price which crypto-Communist President Romulo Betancourt demanded of President Kennedy at their closed-door meeting last November?

That the mind of the administration has already been made up was indicated by an interview with Attorney General Robert Kennedy, published in El Diario—New York—a few weeks ago. In this interview, Attorney General Kennedy is reported by El Diario to have said:

> We will be able to deliver him (Perez Jimenez) to the Venezuelan authorities in a very short time.

At the time the Attorney General made this statement, the extradition case was still in the courts.

The fact is, there has been something smelly about this Perez Jimenez case from the beginning. Perhaps the most unwholesome thing about the case is the fact that, from the outset, Attorney General Kennedy has permitted the law firm of Covington & Burling, the senior member of which is the President's adviser, Dean Acheson, to prosecute the case in the Federal courts. Could it be that the spectacle of the law firm of the President's intimate, Mr. Acheson, acting as Betancourt's counsel in the case, has heavily weighted the scales against former President Perez Jimenez?

The Attorney General's report on the administration of the Foreign Agents Registration Act of 1962 indicates that, for 1961, Covington & Burling received from the Betancourt government the amount of $180,843.87. At this rate, if receipts for 1962 and 1963 were available, the total would mount to a formidable figure.

Fortunately, there is a vast public in the United States which does not believe that U.S. foreign policy must be tailored to please political chameleons like Romulo Betancourt. A different view on the extradition of Perez Jimenez was voiced by the Miami News, May 14, 1963:

> A decision by the U.S. Supreme Court yesterday brings the day closer when the Secretary of State must decide whether or not to ship the former dictator, Marcos Perez Jimenez, back to Venezuela.
>
> It is our opinion that there is more at stake in this case than the future welfare of one man. At issue is whether the United States, having granted a man political asylum, is now ready to withdraw this asylum. If our country does this, it would seem to be a precedent-setting reversal of policy.
>
> The time to decide whether or not the United States is going to extend its hospitality and protection to repudiated dictators like Perez Jimenez is when they first ask permission to enter the country, not when their political opponents ask for their return. This is something the State and Justice Departments should keep in mind when the situation arises again, as it very well might.

Another voice which might well be heeded by Secretary Rusk is the voice of Judge Robert Morris, president of the Defenders of American Liberties and former general counsel for the Senate Subcommittee on Internal Security. Certainly, if any living American sees through the doubletalk and the masquerades of hard-bitten Communists who pretend to be liberals, it is Judge Morris. He says:

> MAY 21, 1963.
> Re Gen. Marcos Perez Jimenez.
> Hon. DEAN RUSK,
> *Department of State,*
> *Washington, D.C.*
>
> DEAR SIR: I write this for the Defenders of American Liberties on behalf of the right of asylum and its bearing on the status of former head of state for Venezuela, Gen. Marcos Perez Jimenez.
>
> In 1948 the current President of Venezuela, Romulo Betancourt, was overthrown by a group led by General Jimenez. In 1954, General Jimenez was in turn overthrown by President Betancourt. Each of the two has been highly praised by U.S. Presidents while in office. President Kennedy has recently praised President Betancourt in very lavish terms on the occasion of his visit to the United States.
>
> In 1954, General Jimenez was—according to reports—awarded the highest rank of Commander in Chief of the Legion of Merit by the United States for his "sound investment policies." He was also praised by Secretary of State John Foster Dulles.
>
> The right of asylum is a very precious asset in these troubled times when Communists and other despots overthrow governments with violence and terror. It is a right that should be preserved by our example and by practice. If it should fall into desuetude as a result of our noninvocation in such cases as General Jimenez', some of the heads of state, now our allies, may well be the losers in the years ahead.
>
> Distinctions such as that between right and left, which unfortunately characterizes the difference between General Jimenez and President Betancourt pale into insignificance by the solemnity of the right of asylum itself which should be preserved.
>
> General Jimenez has been, until his recent apprehension, residing in Miami Beach with his wife and four daughters. He recently said: "It is my hope and desire that the U.S. Government will continue to allow me to live peacefully and quietly here with my family, as I have done the last 3 years, in order that my daughters may continue their American education, and that my wife and I may be part of this community."
>
> It is hoped that the United States will honor the tradition of asylum in this case and keep alive this important ingredient of international law.
>
> Sincerely yours,
>
> ROBERT MORRIS.

Mr. Speaker, there is more to this Perez Jimenez extradition case than the mere legalistic fulfillment of our extradition treaty. Venezuela under the weak administration of Romulo Betancourt, stands today upon the very crater edge of communism. Betancourt, despite all the aid which he has been given by the State Department, had made no serious effort to wipe out the Communists who are ready to take over Venezuela. When Prof. Philip Taylor, of Johns Hopkins University, visited Caracas on May 14, 1963, at the invitation of the American Embassy, to participate in a seminar, he was so shocked by the half-heartedness of Betancourt's handling of the Communists that he is-

sued a public statement urging Betancourt to arrest Gustavo Machado and Eduardo Machado, the two official leaders of the Venezuelan Communist Party. What happened? Professor Taylor, by order of Betancourt's Minister of Internal Affairs, was expelled from the country. And so invertebrate is the State Department and the Caracas Embassy in its dealings with Betancourt that, to date, no official protest has been made against this outrage against an American scholar.

To send the former President Perez Jimenez in chains into this explosive situation would be the greatest contribution which the United States could make to Venezuelan communism. It would be a public sign that the United States was not following a sincere anti-Communist policy in Venezuela. It would be a weak admission of American neutrality in the struggle between the Communists and the anti-Communists in Venezuela.

I am making no judgment as to his past activities. The fact is that what he has done or has not done is beside the point in the issue at stake. Like him or not, former President Perez Jimenez is today the symbol of anti-communism in Venezuela. He is the only public figure who has strength enough to be a rallying point for the scattered Venezuelan anti-Communists. Because this is true, he is hated and feared by the leftist groups which now rule Venezuela. Is the United States now to be a party to the liquidating of this symbol? I cannot believe that even the State Department can stoop to such a decision. The United States must honor its commitment made to Perez Jimenez when he was granted political asylum.

Civil Rights Legislation

EXTENSION OF REMARKS
OF

HON. JAMES C. HEALEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1963

Mr. HEALEY. Mr. Speaker, I support President Kennedy's request to Congress for effective civil rights legislation. I admire the firmness of his determination to carry out his commitments to remove barriers to equality and justice which some of our American citizens still face today, a hundred years after the issuance of the Emancipation Proclamation.

My bill, H.R. 7224, contains the President's proposals, Mr. Speaker, and with permission to extend my remarks in the RECORD, I wish to insert my testimony before the House Judiciary Committee on July 17, 1963:

TESTIMONY OF CONGRESSMAN JAMES C. HEALEY, OF NEW YORK, BEFORE THE COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES

Mr. Chairman, I am grateful for this opportunity to present to you and members of your distinguished committee my views on H.R. 7152, your omnibus civil rights bill and my own bill, H.R. 7224, containing the President's civil rights proposals. As you know, my bill, H.R. 7224, is identical to your bill, Mr. Chairman. I am here to testify in favor of these proposals and to urge approval by your committee.

As you know, I was one of the sponsors of the anti-poll-tax legislation passed in the 87th Congress, which when approved by three-fourths of the State legislatures, will become the 24th amendment to the Constitution.

You also have before your committee my bill, H.R. 2095, to eliminate unreasonable literacy requirements for voting; and my bill, H.R. 6639, to extend the Civil Rights Commission and to broaden the scope of its duties. These proposals are both incorporated in our omnibus civil rights bill.

Mr. Chairman, 100 years ago Abraham Lincoln issued the Emancipation Proclamation assuring freedom and equality to all Americans. One hundred years later, some of our people are still deprived of these rights. Across our Nation we are seeing evidence of impatience of some of our American citizens who are victims of discrimination. And the rest of the world watches while we preach to them about freedom.

There should be no partisan politics here; we must support our President. Congress must enact legislation to lay the guidelines for solutions to the various phases of this problem. Failure to do so will weaken the fabric of this Nation at a time when it needs its full strength.

It is my hope that 1963 will go down in annals of memory as the year in which the U.S. legislative conscience came to grips with that perennial splotch on American morality—racial discrimination—and took the lead in providing substance to the promise of emancipation made a 100 years ago.

Under the aegis of the commerce clause and the 14th and 15th amendments to our Constitution, the U.S. Congress must transform its concern over a troubled and anguished situation into positive remedial action.

What is desperately needed is legislation providing effective, not piecemeal, legal tools, with which our citizens who are victims of discrimination will be able to prosecute against the daily abuses that are heaped upon them.

The erupting civil rights crisis has injected a sense of urgency into this session of Congress and our adjournment date should not be set until action is taken on this problem. Congressional inertia in this area of our national life would be tragic. As our President has put it so adroitly:

"In short, the result of continued Federal legislative inaction will be continued, if not increased, racial strife, causing the leadership on both sides to pass from the hands of responsible and reasonable men to purveyors of hate and violence, endangering domestic tranquility, retarding our Nation's economic and social progress, and weakening the respect with which the rest of the world regards us."

The President's proposals, which we have presented in our bills, Mr. Chairman, are the most sweeping of any President on civil rights since the Emancipation. His program incorporated in our omnibus bill, is an admirable attempt to remove the barriers which some of our citizens have faced the past 100 years—barriers which will stand in the way of enjoyment of full citizenship, to which every American is entitled, and which is guaranteed in his birthright.

There are those who regard the President's proposals as too much, too soon, as too ambitious an undertaking, especially in terms of success. I think not. They offer the Congress a set of solutions that should be acceptable to all men and women of good will. They are not designed because of mere economic, social, or diplomatic considerations. They were designed out of the knowledge that to insure the blessings of liberty to all is the primary prerequisite in a democracy, in a government, of and by, and for the people.

Our basic commitments as a nation and a people, our conscience, our sense of decency and human dignity, demand that we try to eliminate discrimination due to race, color, religion. To eliminate it is (1) not to practice it, and (2) not to tolerate it on the part of others. If we are successful in eliminating discrimination in our great country, other countries will look to us for having given substance to the dream of freedom and equality. If we do not, then we have lost our dignity and leadership both at home and abroad.

Our civil rights bill demands urgent and effective action by Congress to assure justice and equality for all of our citizens. The struggle is not that of the Negro alone. No American should be denied his basic rights to work, eat, vote, to learn, and to live where he chooses. A century after the Emancipation Proclamation, no American should have to demonstrate for his right to admission to a dining room, a school, or a theater.

Legislative relief is needed in the areas of voting, education, employment, and public accommodations. It has been in these spheres of activities that the American Negro's struggle for full equality has been a frustrating one.

Legislation cannot change a person's prejudices. If color discrimination were to disappear overnight, the Negro's low economic status would still handicap him. But legislation can work to eliminate conditions that handicap the Negro. And this is where we have a responsibility in the U.S. Congress.

Limitation of the exercise of that right to vote according to race serves no other purpose than to put into doubt the rendition of justice to the Negro citizen and the protection of his rights. A government not electorally responsible to one segment of our national citizenry seriously jeopardizes the very essence of our representative democracy and the political life of the Nation as a whole.

Under the provisions of our civil rights bill, Mr. Chairman, voting protection in Federal elections would be strengthened by providing for the apportionment of temporary voting referees, and by speeding up voting suits. For States having the literacy test, a presumption of qualification to vote would be created by "the completion of the sixth grade by any applicant." The constitutionality of such a provision is beyond reproach; Congress has within its purview of constitutional powers the power to regulate the manner of holding Federal elections.

Mr. Chairman, with regard to the elimination of unreasonable literacy requirements for voting, I would like to quote from my testimony before your committee in the 87th Congress: "It is a known fact that unreasonable literacy tests have been used unjustly to deny the right to vote. Education is a reliable gage of literacy, but how much education? At what point should the standard be set? My bill establishes the minimum line at the completion of the sixth grade in schools * * * this a reasonable demarcation point, and I believe the most effective device is the one in my bill. It consists of establishing an objective standard by which an individual's literacy may be judged. This eliminates the intrusion of bias or prejudice * * * it requires the determination of fact, rather than a judgment or an interpretation."

Title I under our omnibus civil rights proposal would further require that if a literacy test is used as a qualification for voting in Federal elections, it shall be written and the applicant shall be furnished, upon request, with a certified copy of the test and the answers he has given.

The Civil Rights Act of 1957 provided for the Attorney General's power to bring civil action in the Federal courts where there are reasonable grounds to believe discrimination was being practiced at the polls. A 1963 Civil Rights Act should enlarge upon this and empower the Attorney General to initiate civil proceedings when asked to do so by a complainant financially unable to sue to "further the orderly progress of desegregation in public education." This provision would go a long way in ridding the path of progress of mala fide desegregation. It would be more in keeping with the proposition articulated by the highest tribunal of the land, that integration via the "all deliberate speed" formula doesn't mean that it should take forever. President Kennedy observed in his TV-radio talk to the Nation: "Too many Negro children entering segregated grade schools at the time the Supreme Court handed down its decision 9 years ago will enter segregated high schools this fall having suffered a loss which can never be restored."

A second look at some of the language in the 1954 decision of *Brown* v. *Board of Education* serves as a reminder of the urgent need for this particular provision. The Supreme Court said that attendant with segregation as practiced in public schools there runs the pernicious likelihood of saturating the Negro child psychology with a "feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." Constituting a denial of equality of opportunity to learn, the maintenance of segregated schoolhouses was held to be a violation of the guarantee of the "equal protection of the laws" in the 14th amendment.

Title II of our bill proscribes discrimination in public establishments such as hotels and motels engaged in furnishing lodging for guests traveling interstate; movie theaters and other public places of entertainment which present forms of amusement which move in interstate commerce traffic; and restaurants and stores that extend food services, facilities and the like, the substantial portion of which has moved in interstate commerce, for sale or hire to a substantial degree of interstate travelers. Arbitrary practices guided by racist considerations in this area create nothing but unjust hardships and inconveniences for the Negro citizen. He is forced to stay at hotels of inferior quality, and travel great distances to obtain any kind of satisfactory accommodations or food service. He is limited in his complete enjoyment of the free flow of commerce. I feel that when a private owner appeals to the public for patronage, he has no right to draw the color line.

Discrimination in the field of public accommodations should find no quarter of sympathy or tolerance in our National Legislature. As it contributes to an artificial restriction of interstate commerce, it can best be removed by congressional action invoked under the commerce clause. In addition, legislative action can be justified by the equal protection clause of the 14th amendment: As these particular vehicles of private enterprise are licensed by the appropriate State authorities to engage in their particular activity, discriminatory practices found therein take on the character of State action and therefore fall within the limits of the 14th amendment.

Today Americans travel widely; millions travel each year, from place to place, State to State, and are often subjected to discrimination. Organizations—fraternal and professional—holding conventions face racial embarrassment. In our increasingly urbanized society, brought closer together by modern communications and transportation, Federal economic and social legislation—unthinkable possibly in the 18th century—has become essential today. These provide a legal basis in the clause of the Constitution giving Congress power "to regulate commerce, among the several States."

Critics of the public accommodations section level the charge that legislation of this kind would amount to an unconstitutional hindrance to property rights. The soundness of this argument is tenuous to say the least, for when was the right to property considered to be absolute? President Kennedy answered his critics by saying that: "The argument that such measures constitute an unconstitutional interference with property rights has consistently been rejected by the courts in upholding laws on zoning, collective bargaining, minimum wages, smoke control, and countless other measures designed to make certain that the use of private property is consistent with the public interest * * * indeed, there is an age-old saying that 'property has its duties as well as its rights'; no property owner who holds those premises for the purpose of serving at a profit the American public at large, can claim any inherent right to exclude a part of that public on grounds of race or color."

The commerce clause, in the light of today's social and economic structure, demands a uniform national "rules of access to public accommodations."

Mr. Chairman, a further provision of the bill—title IV—provides for the establishment of a Community Relations Service, the duties of which would be to work with regional, State and local bi-racial committees to alleviate racial tension. The value of such a service cannot be emphasized enough. Lacking the power of subpena, it would advise and assist local officials in improving the communication and cooperation between the races. By so doing, the Service would go a long way in helping to preclude recurrences of racial crises.

I have already mentioned the Civil Rights Commission; title V will extend and broaden its powers. With regard to title VI, our Federal Government provides financial assistance or backing for many programs and activities administered by local and State governments, and by private enterprises. As a Member of the U.S. Congress, it is my privilege and responsibility to vote on these proposals and I feel the activities and benefits of such programs should be available to eligible recipients without regard to race or color. This should also apply to the employment practices of the organizations involved, public or private. Title VII authorizes the President to establish a Commission on Equal Employment Opportunity, to prevent discrimination against employees or applicants for employment because of race, color or religion or national origin, by Government contractors and subcontractors, and by contractors and subcontractors participating in programs or activities in which direct or indirect financial assistance is provided by the Federal Government.

Unemployment falls with special cruelty on minority groups, and creates an atmosphere of resentment and unrest; the results are delinquency, vandalism, disease, slums, and the high cost of providing public welfare and of combating crime. I support the President's requests for more vocational education and training for our illiterate and unskilled. It is programs such as the manpower development and training program which assist in reducing unemployment.

Mr. Chairman, our President has spoken out; he has followed through on his promises and commitments. He has called on us here in Congress to enact sound and effective legislation to provide justice and equality for all Americans. We have never been faced with such a challenge in terms of moral integrity. We should not hesitate, but act swiftly, to take the battle for civil rights out of the streets, and enact legislation which will eliminate the necessity for segments of our citizenry to march in groups to demand equality.

The primary reason racial discrimination in America must be ended is not because of a clause in our Constitution, or as we sometimes hear, because of Communist challenge, but because racial prejudice and discrimination are fundamentally wrong. Our Judeo-Christian heritage, our sense of how man should treat his brother, our democratic ethics—our basic commitments as a nation and a people—should make us want to eliminate a practice not compatible with the great ideals to which our democratic society is dedicated.

Mr. Chairman, thank you for letting me appear before your committee. I urge prompt and favorable action by the Judiciary Committee, and pledge my support when the civil rights bill comes to the floor of the House of Representatives.

One Nation Under God

EXTENSION OF REMARKS
OF

HON. ALBERT RAINS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1963

Mr. RAINS. Mr. Speaker, on July 4, in my hometown of Gadsden, Ala., was held an outstanding celebration on the birthday of our Nation. It was a patriotic and religious service sponsored by the Episcopal Church of the Holy Comforter.

The program was under the direction of one of our most outstanding ministers, the Reverend John T. Speaks, the rector of the Church of the Holy Comforter of Gadsden.

On this occasion, I had the honor and privilege of presenting my highly esteemed colleague from Alabama, the Honorable ARMISTEAD SELDEN, as the featured speaker.

Congressman SELDEN's address on the subject, "One Nation Under God," is a gem and I think should be read by every Member of the Congress, the executive and the judicial, as well as all liberty loving citizens of our country:

ONE NATION UNDER GOD

Today we commemorate the birth of the spirit of our Nation. The key to understanding the greatness of America lies in our celebration of July 4—rather than October 19—as our national holiday.

For on July 4, 1776—187 years ago today—a spiritual force came to life with the adoption of the Declaration of Independence by the Continental Congress. Consider the fact that what occurred that day did nothing to

alter the material balance of power between the colonies and the King. As a result of the adoption of the Declaration, the Colonies did not in fact become independent of the King—only in spirit.

It took 5 long and arduous years of struggle and sacrifice for Americans to win their independence in fact. On October 19, 1781, Lord Cornwallis surrendered at Yorktown—and only then was the Nation born. Yet we commemorate, as our national holiday, not the military victory at Yorktown—but the spiritual victory at Philadelphia.

It would be well for us and for all Americans to reflect today, on this 187th anniversary of the Declaration, on the reasons why July 4, and not October 19, is our national holiday. There is more to this question than simple historic accident, as a reading of the Declaration itself will reveal.

The Declaration begins with the acknowledgment that mankind's inalienable rights are determined by "the laws of nature and of nature's God"—that they are rights endowed by our Creator. The Declaration ends with an appeal to the Supreme Judge of the world and "with a firm reliance on the protection of Divine Providence."

Thus was the "Spirit of '76"—the spiritual force that has since altered world history—firmly based on a belief in the transcendent Spirit of a Divine Creator. Our observance of July 4 as the American national holiday acknowledges this spiritual heritage.

Today Americans everywhere pay homage to the victory at Philadelphia. Yet there are those among us who seem to have forgotten—and would have future generations of Americans forget—the spiritual origin and meaning of this holiday.

American independence—our right to life, liberty and the pursuit of happiness—was finally sustained at Yorktown. But the cannon at Yorktown did not give Americans their independence—any more than the rockets of today give us our way of life. Our freedom and our system are the gifts—the endowment—of nature's God, and our preservation of these gifts, from Yorktown to the present, stems from our "firm reliance on the protection of Divine Providence."

Without this reliance, there would have been no military victory at Yorktown in 1781. For what sustained our revolutionary fathers was not firepower, of which they had little compared to their adversaries—but faith. And although today, 187 years later, American firepower is second to none in the world, only our faith can truly preserve our freedom and our system for future generations of Americans.

Today, then, we mark the birth of an ideal, the products of a generation which had faith—faith in God and in the God-given rights of man. Those who believe that the benefits of this ideal—Life, Liberty, and the Pursuit of Happiness—can exist for Americans without this faith do not truly understand the spirit of '76. Their materialistic ideology, left unchecked, could achieve what tyrants from George the Third to Nikita Khrushchev have failed to do—destroy our freedom and our system.

This is the same materialistic philosophy that holds love of country, like faith in God, to be an outmoded sentiment. The materialist who cannot recognize America's spiritual tradition ultimately spurns the concept of patriotism itself. For American patriotism—our love of country—is forever linked to the concept of divine providence. The spirit of America could not have come to life without this faith. It cannot survive without it.

In 1776, Americans were short on firepower but long on faith and love of country. Their cause prevailed, despite overwhelming odds. Today, July 4, 1963, the same cause is threatened by the most massive, formidable tyranny in world history. Compared to the aggressive 20th-century threat of Communist tyranny, the 18th-century tyranny of George the Third was petty. In potential firepower, however, we face our Communist enemy on terms which our forefathers would have envied. America is physically strong—the mightiest Nation in the world. If we lose then, the judgment of history must be that while our cause was right—and our firepower great—our faith was not up to the challenge of the time.

Without faith it is said, the people are blind. And if our faith is not up to the challenge of the times, our vision of the dangers confronting us becomes blurred. The ultimate evil of communism is its materialistic ideology. But if America itself falls victim to materialistic ideology, how are we to come to grips with this evil?

It is one thing to separate state from church. It is another to attempt to separate state from God. Our form of government is founded on separation of state from church. But we separate state from God to our peril and to the peril of our country.

One hundred and eighty-seven years after the spiritual triumph of Philadelphia, we Americans face a godless enemy—but an enemy, nevertheless, dedicated in its purpose.

That purpose is simply stated. It is to bury us—to bury the United States as a country—to bury the American system as a way of life—to bury Americans as a free and independent people—and to bury the God-given spirit of '76, replacing it throughout the world with the materialistic spirit of Marxist-Leninism.

As chairman of the House Subcommittee on Inter-American Affairs, I am especially aware of the dangers of the Communist effort to bury freedom in our neighboring Latin American countries.

Khrushchev knows that if he succeeds in stifling the spirit of liberty among our Latin neighbors, then the United States—the bastion of the Western Hemisphere and the free world—becomes more vulnerable.

In the time of the American Revolution, Paul Revere rode the countryside to warn patriots that the forces of tyranny were on the march—"The Redcoats are coming."

Today the enemies of American liberty do not come to battle in bright red coats, to the roll of drums, Communist techniques are undercover and subversive—and it is more difficult to arouse our people to their dangers. The aggressors of 1776 with their red coats and muskets were repelled by alert and courageous Americans. The subversive Communist aggressors of the 1960's can only be repelled by firm action taken by an alert and courageous American leadership.

The framers of the Declaration of Independence knew that freemen cannot do business with tyrants. So long as tyranny has power to challenge the rights of freemen, peaceful coexistence—whether it be with a George III or a Nikita Khrushchev—is a false illusion.

In 1776, the tyranny of the Crown could not be bought off or repelled by wishful thinking. Nor can the Red tyranny of 1963. And, like Patrick Henry, we must also recognize that although there are those who cry "Peace, peace—there is no peace," there can be no true peace for Americans until, like their forebears, they face up to the tyranny of the times.

Americans of 1963 must also be alert to the devisive forces within our own country which seek to destroy our institutions by resort to mob and community disorder. The street demonstrations which have spread throughout the country recently—and have taken place in our State and in your community—threaten to lead Americans into a different form of tyranny—to the odious tyranny of the mob.

In standing guard against the tyranny of totalitarian communism we must take care not to fall victim to mob tyranny. Mobocracy is the enemy of all Americans—regardless of race, religion or creed. And those Americans who advocate or encourage mob action to attain their narrow political ends are undermining the foundations of our Republic.

Nor can there be any doubt that these demonstrations—by dividing the American people and diverting our national energies at this critical time—serve the ultimate purpose of our Communist enemies.

In 1776, the ideals at stake between the Colonies and the King were universal—but the field of combat was limited. Today both the stakes and the arena are universal. Had the Colonies lost their struggle against the King, there still might have been hope that their ideal of human freedom would survive—to rise again another year. But if we spiritual inheritors of the Declaration of Independence were to submit to the Communist tyrant which threatens us today—then, indeed, a Dark Age—the darkest age in human history—would descend upon mankind.

We, therefore, are the champions of freedom not only for our own cause—but for the cause of all freemen. And if we fail—if our faith weakens and our reliance in divine providence falters—we will have been guilty of the greatest moral irresponsibility in history.

"If we study the history of Rome and Carthage," said our fellow American, Winston Churchill, who today stands as the symbol of the bond between modern-day England and America, "we can understand what happened and why. It is not difficult to form an intelligent view about the three Punic Wars; but if a mortal catastrophe should overtake the British nation and the British Empire, historians a thousand years hence will still be baffled by the mystery of our affairs."

"They will never understand," Churchill warned his countrymen in 1938, "how it was that a victorious nation, with everything in hand, suffered themselves to be brought low and to cast away all they had gained by measureless sacrifice and absolute victories—gone with the wind."

When these words were spoken a quarter-century ago, the British Empire stood at the pinnacle of power and prestige throughout the world. The words proved prophetic for Churchill's Britain in 1938. Their meaning can still be prophetic for Churchill's America in 1963.

"Now is the time," declared Churchill, "at last to rouse the Nation. Perhaps it is the last time it can be roused with a chance of preventing war, or with a chance of coming through to victory should our efforts to prevent war fail. We should lay aside every hindrance and endeavor by uniting the whole force and spirit of our people to raise again a great * * * nation standing up before all the world, for such a nation, rising in its ancient vigor, can even at this hour save civilization."

It is ironic, but yet fitting, to paraphrase the words of a man who, like Jefferson, is both a great Englishman and a great American—the only person since colonial days to share these two national titles—in summing up the 1963 challenge and opportunity facing us, the heirs of Jefferson and the Spirit of '76.

Now indeed is the time to rouse the Nation, to lay aside every hindrance, and by uniting the whole force and spirit of our people to rise again in the vigor of the men at Philadelphia and at Yorktown. For such a nation, and only such a nation, can at this hour save civilization.